

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 NINETY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 19, 2008

The House of Representatives convened at 12:00 noon and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Representative Phyllis Kahn, District 59B and Representative Frank Hornstein, District 60B.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dettmer	Haws	Lesch	Olin	Slocum
Anderson, B.	Dill	Heidgerken	Liebling	Otremba	Smith
Anderson, S.	Dittrich	Hilstrom	Lieder	Ozment	Solberg
Anzelc	Dominguez	Hilty	Lillie	Paulsen	Swails
Atkins	Doty	Holberg	Loeffler	Paymar	Thao
Beard	Drazkowski	Hoppe	Madore	Pelowski	Thissen
Benson	Eastlund	Hornstein	Magnus	Peppin	Tillberry
Berns	Eken	Hortman	Mahoney	Peterson, A.	Tingelstad
Bigham	Emmer	Hosch	Mariani	Peterson, S.	Tschumper
Bly	Erickson	Howes	Marquart	Poppe	Urdahl
Brod	Faust	Huntley	Masin	Rukavina	Wagenius
Brown	Finstad	Jaros	McFarlane	Ruth	Walker
Brynaert	Fritz	Johnson	McNamara	Ruud	Ward
Buesgens	Gardner	Juhnke	Moe	Sailer	Wardlow
Bunn	Garofalo	Kahn	Morgan	Scalze	Welti
Carlson	Gottwalt	Kalin	Morrow	Seifert	Westrom
Clark	Greiling	Knuth	Mullery	Sertich	Winkler
Cornish	Gunther	Koenen	Murphy, E.	Severson	Wollschlager
Davnie	Hackbarth	Kranz	Murphy, M.	Shimanski	Zellers
Dean	Hamilton	Laine	Nelson	Simon	Spk. Kelliher
DeLaForest	Hansen	Lanning	Nornes	Simpson	
Demmer	Hausman	Lenczewski	Norton	Slawik	

A quorum was present.

Erhardt, Kohls, Olson and Peterson, N., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Abeler moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 457 and H. F. No. 1394, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lenczewski moved that the rules be so far suspended that S. F. No. 457 be substituted for H. F. No. 1394 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2861 and H. F. No. 3408, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mullery moved that the rules be so far suspended that S. F. No. 2861 be substituted for H. F. No. 3408 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2881 and H. F. No. 3236, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davnie moved that the rules be so far suspended that S. F. No. 2881 be substituted for H. F. No. 3236 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3084 and H. F. No. 3454, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jaros moved that S. F. No. 3084 be substituted for H. F. No. 3454 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2008 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
2471		157	11:09 a.m. March 18	March 18

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 635, A bill for an act relating to telecommunications; enacting the Minnesota Wireless Telephone Consumer Protection Act; changing certain existing requirements; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 2006, section 325F.695.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[325F.696] MINNESOTA WIRELESS TELEPHONE CONSUMER PROTECTION ACT.**

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Customer" means an individual consumer purchasing wireless telecommunications service, or a business or corporate entity making a bulk purchase of wireless telecommunications service for use by its employees.

(c) "Government-mandated charges and taxes" means any taxes, fees, and other charges that a wireless carrier is legally required to collect directly from consumers and to remit to federal, state, or local governments, or to third parties authorized by such governments, for the administration of government programs. "Government-mandated charges and taxes" does not include discretionary charges authorized, but not required by, government action.

(d) "Wireless carrier" means a provider of wireless telecommunications service.

(e) "Wireless telecommunications service" means commercial mobile radio service as defined in Code of Federal Regulations, title 47, part 20, but does not include "information services" as defined in United States Code, title 47, section 153m, paragraph (20).

(f) "Prepaid wireless service" means a wireless telecommunications service that is activated in advance by payment for a finite dollar amount of service or for a finite number of minutes that terminates either upon use by a customer of that amount of service or within a specified period of time following the initial purchase or activation, unless additional payments are made.

Subd. 2. **Required disclosures.** Wireless carriers providing wireless telecommunications service in the state must:

(1) provide the customer, at the time of sale, with a coverage map showing where service is generally available and that identifies areas where any domestic roaming or additional charges would apply to the customer's service;

(2) make coverage maps showing where service is generally available to prospective and existing customers at any location where the wireless carrier's wireless telecommunications service is offered for sale and make those maps available electronically at the carrier's Web site;

(3) clearly and conspicuously disclose at the time of sale the price for the service being purchased by the customer, including the monthly access fee or base charge, the amount of any activation or initiation fee, any charges for domestic roaming, any charge for domestic long distance, any charge for exceeding the number of minutes or usage included in any allowance, number of peak and off-peak minutes, hours when peak and off-peak minutes apply, material terms of cancellation, return policy and any applicable charges, and any other charges collected and retained by the carrier, and disclose a good faith estimate of the amount or range of all applicable government-mandated or authorized charges and taxes;

(4) clearly and conspicuously disclose to the customer at the time of sale in written materials: (i) that the price is not guaranteed to remain the same for the minimum term of the contract if a contract provision allows the wireless carrier to change the price of the service during the minimum term, and (ii) any early termination fee that applies if service is terminated during the minimum term;

(5) prior to the execution of a contract for wireless telephone service, provide the customer the terms of the contract, and after execution of the contract provide the customer with a copy of the writing or writings constituting the contract, at the time of sale and thereafter upon the customer's request; and

(6) obtain a specific acknowledgment from the customer that the customer has read and understands the provisions of any early termination fee or provisions allowing the wireless carrier to change the price of the service during the minimum contract term.

Subd. 3. **Billing; listing of government taxes and fees.** All bills for wireless telecommunications services must list government-mandated charges and taxes in a section of the bill separate from the section or sections listing the price and any other charges for the wireless telecommunications service. The wireless carrier must include a brief, easy-to-understand description of each charge included in the bill. The wireless carrier must not represent, expressly or by implication, that discretionary cost recovery fees or charges are government-mandated charges and taxes.

Subd. 4. **Billing for third-party goods and services.** (a) A wireless carrier must not include on a customer's bill a charge for goods or services that the carrier bills on behalf of a third party unless the wireless carrier has obtained the customer's prior express authorization to include those charges on the customer's bill issued by the wireless carrier.

(b) If a customer of a wireless carrier disputes any third-party charge appearing on that customer's wireless bill, the customer shall not be obligated to pay the disputed charge until the wireless carrier provides evidence of the customer's prior express authorization to include such charge. Evidence of the customer's prior express authorization must be produced to the customer within 60 calendar days after the customer notifies the wireless carrier that the charge is disputed. A customer shall be permitted to dispute any charges that a wireless carrier bills on behalf of a third party for up to six months after the charge appears on the customer's wireless bill. If the wireless carrier cannot produce evidence that the customer authorized the third-party charge, the wireless carrier must remove the charge from the customer's wireless bill and credit the customer for the unauthorized third-party charges incurred during the previous six months.

(c) A wireless carrier meets the prior express authorization requirements of this subdivision only if it obtains or receives authorization from the customer containing clear, unambiguous, and separate authorizations for each third-party good or service to be included on the customer's bill.

(d) Nothing in this subdivision restricts the right of a wireless carrier to seek to recover from a third party unauthorized charges credited to the customer by the wireless carrier.

Subd. 5. Extensions in contract length. (a) If a customer is offered, accepts, or requests a good, service, or promotion or changes the customer's wireless service plan in any manner, and this good, service, promotion, or change will result in the extension of the minimum contract term or create a new contract with a minimum term, the wireless carrier must disclose to the customer at the point of sale or acceptance that the requested good, service, promotion, or change will result in a contract extension or creation of a new contract with a minimum term, and must further disclose the length of the extension or new term.

(b) If the customer and a representative of the carrier are personally present at the point of sale or acceptance, the wireless provider must also in connection with the new good, service, promotion, or change obtain the customer's signed consent in an independent document. The independent document must only include the terms set forth in clauses (1) to (3) and must clearly and conspicuously disclose:

(1) that the new good, service, promotion, or change will result in an extension or renewal of the customer's contract;

(2) the new contract start and end dates; and

(3) that failure to complete the new contract term may result in early termination fees and, if so, the amount of the fees.

(c) If the customer's consent is obtained via the Internet, the wireless provider must disclose the terms listed in paragraph (b), clauses (1) to (3). The customer must provide a valid electronic signature showing that the wireless provider has disclosed and the customer has agreed to the extension or renewal of the contract. An electronic record must be available upon request to the customer until the new contract term expires.

(d) If the customer's consent is obtained orally, the wireless provider must clearly disclose the terms listed in paragraph (b), clauses (1) to (3), and the customer's consent to each term must be recorded and retained by the provider and be made available upon request to the customer until the new contract term expires.

(e) Within ten days after a customer's contract has been extended or renewed, the wireless service provider must notify the customer in an independent writing that the contract has been extended or renewed. The independent writing must only include the terms set forth in clauses (1) to (3) and must clearly and conspicuously disclose:

(1) that the new good, service, promotion, or change will result in an extension or renewal of the customer's contract;

(2) the new contract start and end dates; and

(3) that failure to complete the new contract term may result in early termination fees and, if so, the amount of the fees.

(f) Failure of the provider to make any of the disclosures or to obtain any of the consents required in this subdivision voids any contract extension covered by this subdivision.

Subd. 6. **Severability.** Each of the provisions of this section, and each application of a provision to particular circumstances, is severable. If a provision or application is found to be contrary to law and unenforceable, it is the intention of the legislature that the remaining provisions and applications of this section remain valid and enforceable to the full extent possible under section 645.20.

Sec. 2. **REPEALER.**

Minnesota Statutes 2006, section 325F.695, is repealed.

Sec. 3. **EFFECTIVE DATE.**

Section 1 is effective August 1, 2008, except that subdivision 4 is effective March 1, 2009."

Delete the title and insert:

"A bill for an act relating to telecommunications; enacting the Minnesota Wireless Telephone Consumer Protection Act; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 2006, section 325F.695."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 699, A bill for an act relating to public safety; lowering the age of adult certification for juveniles; defining a violent juvenile offense; amending Minnesota Statutes 2006, sections 260B.007, by adding a subdivision; 260B.125, subdivision 1; 260B.130, subdivision 1; 260B.141, subdivision 4; 609.055.

Reported the same back with the following amendments:

Page 1, line 19, delete "2007" and insert "2008"

Page 2, line 4, delete "2007" and insert "2008"

Page 2, line 26, delete "2007" and insert "2008"

Page 3, line 6, delete "2007" and insert "2008"

Page 3, after line 7, insert:

"Sec. 5. Minnesota Statutes 2006, section 260B.198, subdivision 6, is amended to read:

Subd. 6. **Expungement.** Except when legal custody is transferred under the provisions of subdivision 1, clause (d), or a child is adjudicated delinquent for committing a violent juvenile offense as defined in section 260B.007, subdivision 21, the court may expunge the adjudication of delinquency at any time that it deems advisable.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to offenses committed on or after that date."

Page 3, line 29, delete "2007" and insert "2008"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1625, A bill for an act relating to public safety; extending the duration of orders for protection and restraining orders after multiple violations or continued threats; amending Minnesota Statutes 2006, sections 518B.01, subdivisions 6, 6a, 11, 18; 609.748, subdivisions 3, 5, 8.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1813, A bill for an act relating to planning and zoning; requiring counties to consider natural heritage data in adopting or amending comprehensive plans; requiring comprehensive plans in greater Minnesota to limit development on agricultural, forest, wildlife, and open space land; requiring priority provisions in certain county and city comprehensive plans; requiring certain development to occur in designated priorities; providing a bill title; amending Minnesota Statutes 2006, sections 394.23; 394.232, subdivision 6; 394.24, by adding a subdivision; 394.25, subdivision 2; 462.355, subdivision 1; 462.357, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 394.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 394.23, is amended to read:

394.23 COMPREHENSIVE PLAN.

The board has the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance must be the basis for official controls adopted under the provisions of sections 394.21 to 394.37. The commissioner of natural resources must provide the natural heritage data from the county biological survey, if available, to each county for use in the comprehensive plan. When adopting or updating the comprehensive plan, the board must, if the data is available to the county, consider natural heritage data resulting from the county biological survey. The board must consider adopting goals and objectives that will protect open space and the environment.

Sec. 2. **[394.231] COMPREHENSIVE PLANS IN GREATER MINNESOTA; OPEN SPACE.**

A county adopting or updating a comprehensive plan in a county outside the metropolitan area as defined by section 473.121, subdivision 2, shall consider adopting goals and objectives for the preservation of agricultural, forest, wildlife, and open space land, and minimizing development in sensitive shoreland areas. Within three years of updating the comprehensive plan, the county shall consider adopting ordinances as part of the county's official controls that encourage the implementation of the goals and objectives. The county shall consider the following goals and objectives:

(1) minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands, including consideration of appropriate minimum lot sizes;

(2) minimizing further development in sensitive shoreland areas;

(3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers;

(4) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses;

(5) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;

(6) identification of areas where other developments are appropriate; and

(7) other goals and objectives a county may identify.

Sec. 3. Minnesota Statutes 2006, section 394.232, subdivision 6, is amended to read:

Subd. 6. **Plan update.** The county board, or the board of the joint planning district, shall review and update the community-based comprehensive plan periodically, but at least every ten years, and submit the updated plan to the office of strategic and long-range planning for review and comment. When updating the plan, the county board or the board of the joint planning district must consider natural heritage data resulting from the county biological survey. The board must consider adopting goals and objectives that will protect open space and the environment.

Sec. 4. Minnesota Statutes 2006, section 462.355, subdivision 1, is amended to read:

Subdivision 1. **Preparation and review.** The planning agency shall prepare the comprehensive municipal plan. In discharging this duty the planning agency shall consult with and coordinate the planning activities of other departments and agencies of the municipality to insure conformity with and to assist in the development of the comprehensive municipal plan. In its planning activities the planning agency shall take due cognizance of the planning activities of adjacent units of government and other affected public agencies. The planning agency shall periodically review the plan and recommend amendments whenever necessary. When preparing or recommending amendments to the comprehensive plan, the planning agency must consider adopting goals and objectives that will protect open space and the environment.

Sec. 5. Minnesota Statutes 2006, section 462.357, is amended by adding a subdivision to read:

Subd. 1h. **Comprehensive plans in greater Minnesota; open spaces.** When adopting or updating a comprehensive plan in a municipality outside the metropolitan area, as defined by section 473.121, subdivision 2, the municipality shall consider adopting goals and objectives for the preservation of agricultural, forest, wildlife, and

open space land and the minimization of development in sensitive shoreland areas. Within three years of updating the comprehensive plan, the municipality shall consider adopting ordinances as part of the municipality's official controls that encourage the implementation of the goals and objectives.

Sec. 6. Minnesota Statutes 2006, section 462.357, is amended by adding a subdivision to read:

Subd. 9. **Development goals and objectives.** In adopting official controls after July 1, 2008, in a municipality outside the metropolitan area, as defined by section 473.121, subdivision 2, the municipality shall consider restricting new residential, commercial, and industrial development so that the new development takes place in areas subject to the following goals and objectives:

(1) minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands, including consideration of appropriate minimum lot sizes;

(2) minimizing further development in sensitive shoreland areas;

(3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers;

(4) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses;

(5) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;

(6) identification of areas where other developments are appropriate; and

(7) other goals and objectives a municipality may identify.

Sec. 7. **TITLE.**

Sections 1 to 6 shall be known as the President Theodore Roosevelt Memorial Act to Preserve Agricultural, Forest, Wildlife, and Open Space Land.

Sec. 8. **AGRICULTURAL AND OPEN SPACE PRESERVATION TASK FORCE.**

An agricultural and open space preservation task force is created to study state and local policies and incentives related to encouraging farms, privately owned forest lands, and other privately owned open spaces to be preserved. The task force shall consist of one member of the majority party of the senate appointed by the majority leader and one member of the minority party of the senate appointed by the minority leader; one member of the majority party in the house of representatives, appointed by the speaker of the house of representatives, and one member of the minority party in the house of representatives appointed by the minority leader; and one representative each from the Association of Minnesota Counties, the League of Minnesota Cities, and the Minnesota Association of Townships. The task force shall consult with representatives of agricultural groups such as Farm Bureau and Farmer's Union and may consult with other interested parties, including appropriate state agencies, as needed. No public member of the task force shall be entitled to compensation or reimbursements for expenses. Appointments shall be made by July 1, 2008, and the first meeting shall be convened by agreement of the senate members no later than August 1, 2008. The task force shall elect a chair from among its members at the first meeting. The task force must report its findings with recommendations for proposed legislation to the chairs and ranking minority members of the committees in the house of representatives and senate with jurisdiction over land use planning no later than January 30, 2009. The task force shall expire on June 30, 2009.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 7 are effective July 1, 2008. Section 8 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to planning and zoning; requiring certain local governments to consider certain natural heritage data and consider adopting goals to protect open space and the environment when adopting or updating comprehensive plans or ordinances; requiring certain local governments in greater Minnesota to consider adopting certain goals to preserve agriculture, forest, wildlife, and open space and minimize certain shoreland development when adopting or updating comprehensive plans or ordinances; establishing an agricultural and open space preservation task force; amending Minnesota Statutes 2006, sections 394.232, subdivision 6; 462.355, subdivision 1; 462.357, by adding subdivisions; Minnesota Statutes 2007 Supplement, section 394.23; proposing coding for new law in Minnesota Statutes, chapter 394."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 2460, A bill for an act relating to drivers' licenses; imposing additional eligibility requirements to operate motor vehicle pursuant to provisional driver's license; imposing a penalty; amending Minnesota Statutes 2006, section 171.055.

Reported the same back with the following amendments:

Page 1, line 18, delete "40" and insert "30" and delete "ten" and insert "six"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 2628, A bill for an act relating to drivers' licenses; modifying requirements for holder of provisional driver's license; amending Minnesota Statutes 2006, section 171.055, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 17, delete "the day following final enactment" and insert "August 1, 2008"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2783, A bill for an act relating to education; establishing a P-20 education partnership; proposing coding for new law in Minnesota Statutes, chapter 127A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[127A.70] MINNESOTA P-20 EDUCATION PARTNERSHIP.**

Subdivision 1. Establishment; membership. (a) A P-20 education partnership is established to create a seamless education system that maximizes achievements of all students, from early childhood through elementary, secondary, and postsecondary education, while promoting the effective and efficient use of financial and human resources. The partnership shall consist of major statewide educational groups or constituencies or noneducational statewide organizations with a stated interest in P-20 education. Upon enactment of this legislation, the partnership members shall be those currently serving on the Minnesota P-16 Education Partnership plus four legislators as follows:

(1) one senator from the majority party and one senator from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration; and

(2) one member of the house of representatives appointed by the speaker of the house and one member of the house of representatives appointed by the minority leader of the house.

Prospective members may be nominated by any partnership member and new members must be added with the approval of a two-thirds majority of the partnership members.

The partnership must seek input from nonmember organizations having expertise to help inform the partnership's work.

(b) Each partnership member must be represented by its formally designated leader or the leader's designee. The partnership must meet at least three times each calendar year.

Subd. 2. Powers and duties; report. (a) The partnership must develop and submit to the governor and the legislative committees with jurisdiction over education policy and finance recommendations for maximizing the achievement of all P-20 students while promoting the effective and efficient use of state resources, and maximizing the value of the state's educational investment. Partnership recommendations must at least include a focus on strategies, policies, and actions that:

(1) improve the quality of and access to education for all students from preschool through graduate education;

(2) improve preparation for and transitions to postsecondary education and work; and

(3) ensure educator quality by creating rigorous standards for teacher recruitment, teacher preparation, induction and mentoring of beginning teachers, and continuous professional development for career teachers.

(b) Annually, by January 15, the partnership must submit a report to the governor and the legislative committees with jurisdiction over education policy and finance summarizing the partnership's progress in meeting its goals and recommending any legislation needed to further partnership goals related to maximizing student achievement and promoting effective and efficient use of resources.

Subd. 3. **Expiration.** The partnership expires on June 30, 2019.

EFFECTIVE DATE. This section is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2877, A bill for an act relating to public safety; establishing crime of disarming a peace officer; providing criminal penalties; amending Minnesota Statutes 2006, section 609.50, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2906, A bill for an act relating to animals; changing provisions regulating dangerous dogs; imposing penalties; amending Minnesota Statutes 2006, sections 347.50, by adding a subdivision; 347.51, subdivisions 2, 2a, 3, 4, 7, 9; 347.52; 347.53; 347.54, subdivisions 1, 3; 347.55; 347.56; proposing coding for new law in Minnesota Statutes, chapter 347.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 347.50, is amended by adding a subdivision to read:

Subd. 8. Provocation. "Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

Sec. 2. Minnesota Statutes 2006, section 347.51, subdivision 2, is amended to read:

Subd. 2. **Registration.** An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least ~~\$50,000~~ \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least ~~\$50,000~~ \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

Sec. 3. Minnesota Statutes 2006, section 347.51, subdivision 2a, is amended to read:

Subd. 2a. **Warning symbol.** If ~~a county~~ an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the ~~county~~ animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The ~~design of the~~ warning symbol must be the uniform and specified symbol provided by the commissioner of public safety, ~~after consultation with animal control professionals~~. The commissioner shall provide the number of copies of the warning symbol requested by ~~each county~~ the animal control authority and shall charge the ~~county~~ animal control authority the actual cost of the warning symbols received. The ~~county~~ animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

Sec. 4. Minnesota Statutes 2006, section 347.51, subdivision 3, is amended to read:

Subd. 3. **Fee.** The ~~county~~ animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Sec. 5. Minnesota Statutes 2006, section 347.51, subdivision 7, is amended to read:

Subd. 7. **Tag.** A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times. ~~The commissioner of public safety, after consultation with animal control professionals, shall provide by rule for the design of the tag.~~

Sec. 6. Minnesota Statutes 2006, section 347.51, subdivision 9, is amended to read:

Subd. 9. **Contracted services.** ~~A county~~ An animal control authority may contract with another political subdivision or other person to provide the services required under sections 347.50 to ~~347.54~~ 347.565. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the ~~county~~ animal control authority and all certificates of registration must be issued in the name of the ~~county~~ animal control authority.

Sec. 7. Minnesota Statutes 2006, section 347.52, is amended to read:

347.52 DANGEROUS DOGS; REQUIREMENTS.

(a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new ~~jurisdiction~~ location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

(d) An animal control authority ~~may~~ shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority ~~may~~ shall seize the dog and have the animal it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who ~~sells~~ transfers ownership of a dangerous dog must notify the ~~purchaser~~ new owner that the animal control authority has identified the dog as dangerous. The ~~seller~~ current owner must also notify the animal control authority in writing of the sale transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

Sec. 8. Minnesota Statutes 2006, section 347.53, is amended to read:

347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.

Any statutory or home rule charter city, or any county, may regulate potentially dangerous and dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to ~~347.54~~ 347.565 limits any restrictions that the local jurisdictions may place on owners of potentially dangerous or dangerous dogs.

Sec. 9. Minnesota Statutes 2006, section 347.54, subdivision 1, is amended to read:

Subdivision 1. **Seizure.** (a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;

(2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;

(3) the dog is not maintained in the proper enclosure; ~~or~~

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or

(5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Sec. 10. Minnesota Statutes 2006, section 347.54, subdivision 3, is amended to read:

Subd. 3. **Subsequent offenses; seizure.** If a person has been convicted of a misdemeanor for violating a provision of section 347.51, ~~347.515~~, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. ~~If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the animal control authority of a fee for the care and boarding of the dog.~~ If the owner is found not guilty and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for the costs incurred in confining, impounding, and disposing of the dog.

Sec. 11. **[347.541] DISPOSITION OF SEIZED ANIMALS.**

Subdivision 1. **Hearing.** The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

Subd. 2. **Security.** A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within 14 days of the seizure inclusive of the date of the seizure.

Subd. 3. **Notice.** (a) The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

(1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;

(2) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;

(3) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;

(4) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of sections 347.51, 347.515, and 347.52;

(5) a form that can be used by the owner of the dog that was seized for requesting a hearing under this subdivision; and

(6) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

Subd. 4. **Right to hearing.** Any hearing must be held within 30 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the hearing. In the event that the dangerous dog

declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

Sec. 12. **[347.542] RESTRICTIONS.**

Subdivision 1. **Dog ownership prohibited.** Except as provided in subdivision 3, no person may own a dog if the person has:

(1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;

(2) been convicted of a violation under section 609.205, clause (4);

(3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;

(4) been convicted of a violation under section 609.226, subdivision 2; or

(5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, 346.515, 347.52, or 609.226, subdivision 2.

Subd. 2. **Household members.** No member of a household may own a dog where a person resides who is prohibited from dog ownership under subdivision 1.

Subd. 3. **Dog ownership prohibition review.** Beginning three years after a conviction under subdivision 1 that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deems appropriate. The animal control authority may rescind the prohibition entirely or rescind it with limitations. The animal control authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the animal control authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in this state.

Sec. 13. Minnesota Statutes 2006, section 347.55, is amended to read:

347.55 PENALTY.

(a) ~~Any~~ A person who violates ~~any~~ a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.

(b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or ~~removal from the jurisdiction~~ change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or ~~removal from the jurisdiction~~ change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

(c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.

(d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.

(e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

Sec. 14. Minnesota Statutes 2006, section 347.56, is amended to read:

347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.

Subdivision 1. **Circumstances.** Notwithstanding sections 347.51 to 347.55, a dog ~~that inflicted substantial or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority. The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker.~~ may be destroyed in a proper and humane manner by the animal control authority if the dog:

(1) inflicted substantial or great bodily harm on a human on public or private property without provocation;

(2) inflicted multiple bites on a human on public or private property without provocation;

(3) bit multiple human victims on public or private property in the same attack without provocation; or

(4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subd. 2. **Hearing.** The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50 and the exemptions under section 347.51, subdivision 5, apply to this section.

Sec. 15. **[347.565] APPLICABILITY.**

Sections 347.50 to 347.56 must be enforced by animal control authorities or law enforcement agencies, whether or not these sections have been adopted into local ordinance."

Delete the title and insert:

"A bill for an act relating to animals; changing provisions regulating dangerous dogs; imposing penalties; amending Minnesota Statutes 2006, sections 347.50, by adding a subdivision; 347.51, subdivisions 2, 2a, 3, 7, 9; 347.52; 347.53; 347.54, subdivisions 1, 3; 347.55; 347.56; proposing coding for new law in Minnesota Statutes, chapter 347."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2941, A bill for an act relating to capital improvements; appropriating money for asset preservation at the University of Minnesota; authorizing the sale and issuance of state bonds.

Reported the same back with the following amendments:

Page 1, line 6, delete "\$80,000,000" and insert "\$40,000,000"

Page 1, line 8, delete everything after the period

Page 1, delete line 9

Page 1, before line 10, insert:

"Sec. 2. **APPROPRIATION; BOARD OF TRUSTEES.**

\$60,000,000 is appropriated from the bond proceeds fund to the Board of Trustees of the Minnesota State Colleges and Universities for higher education asset preservation and replacement to be spent in accordance with Minnesota Statutes, section 135A.046."

Page 1, line 11, delete "section 1" and insert "sections 1 and 2"

Page 1, line 13, delete "\$80,000,000" and insert "\$100,000,000"

Page 1, line 17, delete "and 2" and insert "to 3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "Minnesota" insert "and the Minnesota State Colleges and Universities"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 2955, A bill for an act relating to education; amending school background check requirements; amending Minnesota Statutes 2006, section 123B.03, subdivision 3, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2006, section 123B.03, subdivision 2, is amended to read:

Subd. 2. ~~Conditional hiring; discharge~~ **Effect of background check.** (a) A school hiring authority may hire an individual pending completion of a background check under subdivision 1 but shall notify the individual that the individual's employment may be terminated based on the result of the background check. A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the result of a background check under this section.

(b) An individual must be informed by the school hiring authority if the individual's application to be an employee or volunteer in the district has been denied as a result of a background check conducted under this section. The school hiring authority must also inform an individual who is a current employee or volunteer if the individual's employment or volunteer status in the district is being terminated as a result of a background check conducted under this section."

Page 2, lines 16 and 20, delete "by a third-party contractor"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 2970, A bill for an act relating to traffic regulations; requiring motorists to move to far left of roadway before passing road maintenance workers; amending Minnesota Statutes 2006, section 169.18, subdivision 1, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 19, after "a" insert "freeway service patrol or"

Amend the title as follows:

Page 1, line 3, delete "road maintenance workers" and insert "certain vehicles parked on the roadway"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3090, A bill for an act relating to transportation; modifying provisions relating to certain positions in Department of Transportation; amending Minnesota Statutes 2006, section 174.02, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 10, after "three" insert "other" and reinstate the stricken "deputy and"

Page 1, lines 11 and 12, reinstate the stricken language

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3161, A bill for an act relating to veterans; providing for a current listing of deceased Minnesota military personnel; proposing coding for new law in Minnesota Statutes, chapter 197.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.785, is amended by adding a subdivision to read:

Subd. 4. **Deceased veterans data.** Data relating to veterans deceased as a result of service-connected causes are classified under section 197.225.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **[197.225] LIST OF DECEASED MILITARY PERSONNEL.**

(a) The commissioner of veterans affairs shall collect and maintain data about Minnesota residents who have died of service-connected causes while serving in the United States armed forces. The data may include deceased service members who are the immediate family members of Minnesota residents, but who themselves were not Minnesota residents at the time of death. The commissioner shall collect the following data: the individual's full name, military rank, branch of service, age at the time of death, and Minnesota hometown or if not a Minnesota resident at the time of death, the service member's home state.

(b) Data collected pursuant to this section are nonpublic data, but may be disseminated to the individual's next of kin, and for ceremonial or honorary purposes to veterans' organizations, civic organizations, the news media, and researchers. No other use or dissemination of the data is permitted.

(c) The next of kin of a veteran whose data is collected may request that the data not be disseminated for any purpose. Upon receiving such a request, the Department of Veterans Affairs must exclude the deceased veteran's data from any data disseminated for ceremonial or honorary purposes as permitted by paragraph (b).

(d) Data collected pursuant to this section shall not be indicative of any person's status with regard to qualification for veterans benefits or other benefits.

EFFECTIVE DATE. This section is effective the day following final enactment."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3281, A bill for an act relating to natural resources; modifying snowmobile training provisions; amending Minnesota Statutes 2006, section 84.862, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3302, A bill for an act relating to data practices; providing for the protection of written materials prepared for a closed meeting; amending Minnesota Statutes 2006, section 13D.05, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **13.356** **CLOSED MEETINGS DATA.**

Government data relating to the agenda of a meeting closed under section 13D.05, subdivision 3, paragraph (c), clause (3), prepared or distributed by or at the direction of the governing board or its employees, must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. Until made available to the public under this section, the government data is classified as nonpublic.

Sec. 2. Minnesota Statutes 2006, section 13D.05, subdivision 3, is amended to read:

Subd. 3. **What meetings may be closed.** (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(c) A public body may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the government entity;

(2) to review confidential or nonpublic appraisal data under section 13.44, subdivision 3; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property. Government data relating to a meeting closed under this clause is classified under section 13.356.

Before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph must be tape recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this paragraph was transacted at a closed meeting held under this paragraph during the time when the tape is not available to the public, section 13D.03, subdivision 3, applies.

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.

(d) Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. Before closing a meeting under this paragraph, the public body, in describing the subject to be discussed, must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape recorded at the expense of the governing body, and the recording must be preserved for at least four years."

Delete the title and insert:

"A bill for an act relating to data practices; preserving data; classifying data; amending Minnesota Statutes 2006, section 13D.05, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3312, A bill for an act relating to natural resources; modifying the maximum amount allowed in a drainage system repair fund; amending Minnesota Statutes 2006, section 103E.735, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 3316, A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 120A.22, subdivisions 5, 6; 120A.24, subdivisions 1, 2; 120B.02; 120B.023, subdivision 2; 120B.131, subdivision 2; 120B.31, as amended; 120B.35, as amended; 120B.36, as amended; 120B.362; 121A.55; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.14, by adding subdivisions; 122A.18, by adding a subdivision; 122A.60; 122A.61, subdivision 1; 122A.75, subdivision 1; 123B.03, subdivisions 1, 2, by adding a subdivision; 123B.14, subdivision 7; 123B.51, by adding a subdivision; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.86, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 471.88, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.15; 120B.30; 123B.143, subdivision 1; 123B.81, subdivision 4; 124D.095, subdivision 4; 124D.10, subdivisions 4, 23a; 124D.13, subdivision 11; 124D.531, subdivision 1; 125A.14; 126C.10, subdivision 34; 127A.49, subdivisions 2, 3; 134.31, subdivision 4a; Laws 2007, chapter 146, article 2, section 46, subdivision 13; article 3, section 23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 124D; 125B; repealing Minnesota Statutes 2006, sections 121A.67; 125A.16; 125A.19; 125A.20; 125A.57; Laws 2006, chapter 263, article 3, section 16.

Reported the same back with the following amendments:

Pages 8 and 9, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 2006, section 13.32, is amended by adding a subdivision to read:

Subd. 11. Data to improve instruction. The Minnesota Department of Education and the Minnesota Office of Higher Education may each share educational data with the other agency for the purpose of analyzing and improving school district instruction, consistent with Code of Federal Regulations, title 34, section 99.31(a)(6). The educational data that may be shared between the two agencies under this subdivision must be limited to:

(1) student attendance data that include the name of the school or institution, school district, the year or term of attendance, and term type;

(2) student demographic and enrollment data;

(3) student academic performance and testing data; and

(4) any special academic services provided to a student.

Any analysis of or report on these data must contain only summary data.

EFFECTIVE DATE. This section is effective the day following final enactment."

Page 14, line 18, delete "shall" and insert "must" and delete "with the revised" and insert "when revising" and after "standards" insert "under section 120B.023, subdivision 2"

Page 20, line 2, strike "regional,"

Page 22, line 10, after "effects" insert "that teacher teams within a grade, teacher teams across an entire grade, the school, and the school district have" and delete "at"

Page 22, line 11, delete everything before the period

Page 22, line 19, after "growth" insert ", including accelerated growth"

Page 23, line 33, delete "(c)" and insert "(d)"

Page 23, line 34, delete "(d)" and insert "(e)"

Page 24, line 11, delete "(d)" and insert "(e)" and delete "(c)" and insert "(d)"

Page 25, delete lines 13 to 16

Page 25, line 17, delete everything before "The" and insert "Membership terms and removal of members are governed by section 15.059, except that the terms are three years. The commissioner may reimburse members for expenses under section 15.059 only if federal funding is available for this purpose."

Page 28, line 2, after "matters" insert ", consistent with the due process provisions of the Pupil Fair Dismissal Act"

Page 28, line 4, delete "to the school administrator that" and insert "that the school administrator reasonably believes"

Page 28, line 5, after the period, insert "Notwithstanding section 13.05, subdivision 4, educators may use the private and confidential data on students they collect under this paragraph, consistent with the requirements governing educational data under section 13.32."

Page 34, line 10, reinstate the stricken language

Page 34, line 11, reinstate the stricken "development and programs," and reinstate the stricken "teachers' workshops, teacher"

Page 34, line 12, reinstate the stricken language

Page 34, line 26, reinstate the stricken ", or for the costs of curriculum development and programs,"

Page 34, line 27, reinstate the stricken "teachers' workshops, teacher conferences, substitute teachers for"

Page 34, lines 28 and 29, reinstate the stricken language

Page 42, line 3, delete "abilities, capacities, and expertise in fulfilling" and insert "ability to fulfill"

Page 42, line 31, delete "and" and insert "or"

Page 43, line 29, delete "violations" and insert "a violation"

Page 44, line 5, delete "violations" and insert "a violation"

Page 45, line 26, before "board" insert "school" and before "district" insert "school"

Page 47, line 14, delete "termination" and after "date" insert "the sponsor terminates the contract" and delete "of" and insert "date specified in"

Page 47, line 30, before "The" insert "Both parties jointly must submit to the commissioner their written intent to terminate the contract."

Page 47, line 33, delete "Both"

Page 47, delete line 34

Page 47, line 35, delete "contract."

Page 49, line 15, delete "The committee may be reimbursed for expenses according to"

Page 49, line 16, delete "section 15.059, subdivision 6" and insert "Members serve without compensation"

Page 50, line 5, delete "enter into a technology partnership" and insert "work together"

Page 50, lines 7 and 11, delete "The partnership" and insert "These entities"

Page 50, line 14, delete "in collaboration with the other members of the technology"

Page 50, line 15, delete "partnership" and insert "the Minnesota Education Technology Task Force, representatives of school districts,"

Page 50, line 16, delete "June 1, 2012," and insert "December 1, 2008,"

Page 50, line 18, after "section" insert "and section 120B.023, subdivision 2, paragraph (a)"

Page 50, line 31, delete "include" and insert "includes"

Page 52, delete section 43

Page 52, line 30, after the period, insert "The group convened under this section expires on June 30, 2009."

Page 53, line 11, delete "The" and insert "These"

Page 53, line 17, after the period, insert "The group convened under this section expires June 30, 2011."

Page 54, line 5, after the period, insert "The group convened under this section expires June 30, 2009."

Page 54, line 12, delete the period and before "The" insert "developed in partnership with the Minnesota Department of Education."

Page 54, line 16, delete ", and developed in partnership with the Department of Education"

Page 55, lines 6 and 25, delete "49" and insert "47"

Page 55, line 32, delete "48" and insert "46"

Page 57, delete line 35 and insert "(c) Members of the task force serve without compensation."

Page 57, delete line 36

Page 58, delete line 1

Page 58, line 2, delete "members for task force activities."

Page 58, line 27, delete "Task force members' terms and other task force"

Page 58, delete lines 28 and 29

Page 58, line 30, delete everything before the period and insert "Members of the task force serve without compensation"

Page 59, delete section 54

Page 69, line 6, after the semicolon, insert "and"

Page 69, line 8, delete "; and" and insert a period

Page 69, delete lines 9 and 10

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3367, A bill for an act relating to data practices; modifying provisions of the open meeting law; providing for attorney fees; amending Minnesota Statutes 2006, sections 13D.05, subdivision 1; 13D.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 13D.

Reported the same back with the following amendments:

Page 2, line 5, reinstate the stricken language

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3456, A bill for an act relating to emergency management; authorizing interstate assistance by local governments; proposing coding for new law in Minnesota Statutes, chapter 192.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3564, A bill for an act relating to human services; amending child welfare provisions; changing a standard of evidence; changing the treatment of certain data; adopting a new Interstate Compact for the Placement of Children and repealing the old compact; regulating child and adult adoptions; directing the commissioner to adopt rules; amending Minnesota Statutes 2006, sections 13.02, subdivision 3a; 13.46, by adding subdivisions; 13.82, subdivision 1; 245C.24, subdivision 2; 245C.29, subdivision 2; 246.13, subdivision 2; 256.045, subdivisions 3, 3b; 259.20, subdivision 1; 259.21, by adding a subdivision; 259.22, subdivision 2; 259.23, subdivision 2; 259.43; 259.52, subdivision 2; 259.53, subdivision 3; 259.59, subdivisions 1, 2; 259.67, subdivisions 2, 3, by adding a subdivision; 259.75, subdivision 5; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.795, subdivision 3; 260C.001, subdivision 2; 260C.007, subdivisions 5, 6, 13; 260C.171, subdivision 2; 260C.178, subdivision 1; 260C.212, subdivision 7, by adding a subdivision; 260C.325, subdivisions 1, 3; 524.2-114; 626.556, subdivision 7; Minnesota Statutes 2007 Supplement, sections 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.24, subdivision 3; 245C.27, subdivision 1; 256.01, subdivision 2; 259.41, subdivision 1; 259.57, subdivision 1; 259.67, subdivision 4; 260C.163, subdivision 1; 260C.209, subdivisions 1, 2, by adding a subdivision; 260C.212, subdivision 4; 626.556, subdivision 10a; Laws 2007, chapter 147, article 2, section 56; proposing coding for new law in Minnesota Statutes, chapters 259; 260; repealing Minnesota Statutes 2006, sections 260.851; 260B.241; 260C.207; Minnesota Rules, part 9560.0092.

Reported the same back with the following amendments:

Page 1, delete lines 25 and 26

Page 2, lines 9 to 11, delete the new language

Page 10, line 17, delete the new language

Page 21, line 12, delete everything after the period

Page 21, line 13, delete everything before "Adoption"

Page 24, delete section 32

Page 28, after line 4, insert:

"1. The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided, the placement is not intended to effectuate an adoption."

Page 28, line 5, delete "1." and insert "2."

Page 28, line 10, delete "2." and insert "3."

Page 28, line 18, delete "3." and insert "4."

Page 29, line 23, after the comma, insert "and in interstate placements in which the public child placing agency is not a party to a custody proceeding"

Page 30, line 30, after "and" insert "immediate"

Page 30, line 31, delete the first "in" and insert "to accompany"

Page 30, after line 35, insert:

"2. The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or where permitted by the laws of the state where the adoption will be finalized; and"

Page 31, line 1, delete "2." and insert "3." and after "agent" insert "of a private adoption agency"

Page 31, line 4, delete "3." and insert "4."

Page 31, line 5, delete "4." and insert "5."

Page 44, line 31, strike everything after "care"

Page 44, line 32, strike everything before the semicolon

Page 45, line 15, strike "in placement according to" and insert "who entered foster care under a"

Page 45, line 16, strike "release by" and insert "placement agreement between" and after "parent" insert "and the responsible social services agency"

Page 46, after line 7, insert:

"Sec. 37. Minnesota Statutes 2006, section 260C.101, subdivision 2, is amended to read:

Subd. 2. **Jurisdiction over other matters relating to children.** Except as provided in clause (d), the juvenile court has original and exclusive jurisdiction in proceedings concerning:

(a) The termination of parental rights to a child in accordance with the provisions of sections 260C.301 to 260C.328.

(b) The appointment and removal of a juvenile court guardian for a child, where parental rights have been terminated under the provisions of sections 260C.301 to 260C.328.

(c) Judicial consent to the marriage of a child when required by law.

(d) The juvenile court in those counties in which the judge of the probate-juvenile court has been admitted to the practice of law in this state shall proceed under the laws relating to adoptions in all adoption matters. In those counties in which the judge of the probate-juvenile court has not been admitted to the practice of law in this state the district court shall proceed under the laws relating to adoptions in all adoption matters.

(e) The review of the ~~foster care status~~ placement of a child who ~~has been placed is in a residential facility, as defined in section 260C.212, subdivision 1,~~ foster care pursuant to a voluntary release by placement agreement between the child's parent or parents and the responsible social services agency under section 260C.212, subdivision 8.

(f) The review of voluntary foster care placement of a child for treatment under chapter 260D according to the review requirements of that chapter.

Sec. 38. Minnesota Statutes 2006, section 260C.141, subdivision 2, is amended to read:

Subd. 2. **Review of foster care status.** ~~Except for a child in foster care due solely to the child's developmental disability or emotional disturbance,~~ When a child continues in voluntary ~~placement~~ foster care according to section 260C.212, subdivision 8, a petition shall be filed alleging the child to be in need of protection or services or seeking termination of parental rights or other permanent placement of the child away from the parent within 90 days of the date of the voluntary placement agreement. The petition shall state the reasons why the child is in ~~placement~~ foster care, the progress on the out-of-home placement plan required under section 260C.212, subdivision 1, and the statutory basis for the petition under section 260C.007, subdivision 6, 260C.201, subdivision 11, or 260C.301.

(1) In the case of a petition alleging the child to be in need of protection or services filed under this paragraph, if all parties agree and the court finds it is in the best interests of the child, the court may find the petition states a prima facie case that:

(i) the child's needs are being met;

(ii) the placement of the child in foster care is in the best interests of the child;

(iii) reasonable efforts to reunify the child and the parent or guardian are being made; and

(iv) the child will be returned home in the next three months.

(2) If the court makes findings under paragraph (1), the court shall approve the voluntary arrangement and continue the matter for up to three more months to ensure the child returns to the parents' home. The responsible social services agency shall:

(i) report to the court when the child returns home and the progress made by the parent on the out-of-home placement plan required under section 260C.212, in which case the court shall dismiss jurisdiction;

(ii) report to the court that the child has not returned home, in which case the matter shall be returned to the court for further proceedings under section 260C.163; or

(iii) if any party does not agree to continue the matter under this paragraph and paragraph (1), the matter shall proceed under section 260C.163."

Page 51, after line 23, insert:

"Sec. 42. Minnesota Statutes 2006, section 260C.205, is amended to read:

260C.205 DISPOSITIONS; VOLUNTARY FOSTER CARE ~~PLACEMENTS~~ FOR TREATMENT.

~~Unless the court disposes of the petition under section 260C.141, subdivision 2, Upon a petition for review of the foster care status of a~~ by a parent or guardian under section 260C.141, subdivision 1b, regarding a child in voluntary foster care for treatment under chapter 260D, the court may:

~~(a) find that the child's needs are not being met, in which case the court shall order the social services agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social services agency of services to the parents which would enable the child to live at home, and order a disposition under section 260C.204.~~

~~(b) Find that the child has been abandoned by parents financially or emotionally, or that the developmentally disabled child does not require out of home care because of the disabling condition, in which case the court shall order the social services agency to file an appropriate petition pursuant to section 260C.141, subdivision 1, or 260C.307.~~

~~(c) When a child is in placement due solely to the child's developmental disability or emotional disturbance and the court finds that there are compelling reasons which permit the court to approve the continued voluntary placement of the child and retain jurisdiction to conduct reviews as required under section 260C.141, subdivision 2, the court shall give the parent notice by registered United States mail of the review requirements of section 260C.141, subdivision 2, in the event the child continues in placement 12 months or longer.~~

~~Nothing in this section shall be construed to prohibit bringing a petition pursuant to section 260C.141, subdivision 1 or 4, sooner than required by court order pursuant to this section."~~

Page 53, after line 15, insert:

"Sec. 46. Minnesota Statutes 2007 Supplement, section 260C.212, subdivision 1, is amended to read:

Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall be prepared within 30 days after any child is placed in ~~a residential facility~~ foster care by court order or ~~by the a voluntary release of the child by placement agreement between the responsible social services agency and the child's parent or parents pursuant to subdivision 8 or chapter 260D.~~

~~For purposes of this section, a residential facility means any group home, family foster home or other publicly supported out of home residential facility, including any out of home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide those services or foster care as defined in section 260C.007, subdivision 18.~~

(b) An out-of-home placement plan means a written document which is prepared by the responsible social services agency jointly with the parent or parents or guardian of the child and in consultation with the child's guardian ad litem, the child's tribe, if the child is an Indian child, the child's foster parent or representative of the residential facility, and, where appropriate, the child. For a child in ~~placement due solely or in part to the child's emotional disturbance~~ voluntary foster care for treatment under chapter 260D, preparation of the out-of-home placement plan shall additionally include the child's mental health treatment provider. As appropriate, the plan shall be:

(1) submitted to the court for approval under section 260C.178, subdivision 7;

(2) ordered by the court, either as presented or modified after hearing, under section 260C.178, subdivision 7, or 260C.201, subdivision 6; and

(3) signed by the parent or parents or guardian of the child, the child's guardian ad litem, a representative of the child's tribe, the responsible social services agency, and, if possible, the child.

(c) The out-of-home placement plan shall be explained to all persons involved in its implementation, including the child who has signed the plan, and shall set forth:

(1) a description of the residential facility including how the out-of-home placement plan is designed to achieve a safe placement for the child in the least restrictive, most family-like, setting available which is in close proximity to the home of the parent or parents or guardian of the child when the case plan goal is reunification, and how the placement is consistent with the best interests and special needs of the child according to the factors under subdivision 2, paragraph (b);

(2) the specific reasons for the placement of the child in a residential facility, and when reunification is the plan, a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from home and the changes the parent or parents must make in order for the child to safely return home;

(3) a description of the services offered and provided to prevent removal of the child from the home and to reunify the family including:

(i) the specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (2), and the time period during which the actions are to be taken; and

(ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made to achieve a safe and stable home for the child including social and other supportive services to be provided or offered to the parent or parents or guardian of the child, the child, and the residential facility during the period the child is in the residential facility;

(4) a description of any services or resources that were requested by the child or the child's parent, guardian, foster parent, or custodian since the date of the child's placement in the residential facility, and whether those services or resources were provided and if not, the basis for the denial of the services or resources;

(5) the visitation plan for the parent or parents or guardian, other relatives as defined in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed together in the ~~residential~~ foster care facility, and whether visitation is consistent with the best interest of the child, during the period the child is in ~~the residential facility~~ foster care;

(6) documentation of steps to finalize the adoption or legal guardianship of the child if the court has issued an order terminating the rights of both parents of the child or of the only known, living parent of the child. At a minimum, the documentation must include child-specific recruitment efforts such as relative search and the use of state, regional, and national adoption exchanges to facilitate orderly and timely placements in and outside of the state. A copy of this documentation shall be provided to the court in the review required under section 260C.317, subdivision 3, paragraph (b);

(7) the health and educational records of the child including the most recent information available regarding:

(i) the names and addresses of the child's health and educational providers;

(ii) the child's grade level performance;

(iii) the child's school record;

(iv) assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement;

(v) a record of the child's immunizations;

(vi) the child's known medical problems, including any known communicable diseases, as defined in section 144.4172, subdivision 2;

(vii) the child's medications; and

(viii) any other relevant health and education information;

(8) an independent living plan for a child age 16 or older who is in placement as a result of a permanency disposition. The plan should include, but not be limited to, the following objectives:

(i) educational, vocational, or employment planning;

(ii) health care planning and medical coverage;

(iii) transportation including, where appropriate, assisting the child in obtaining a driver's license;

(iv) money management;

(v) planning for housing;

(vi) social and recreational skills; and

(vii) establishing and maintaining connections with the child's family and community; and

(9) for a child in ~~placement due solely or in part to the child's emotional disturbance~~ voluntary foster care for treatment under chapter 260D, diagnostic and assessment information, specific services relating to meeting the mental health care needs of the child, and treatment outcomes.

(d) The parent or parents or guardian and the child each shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or the child's legal guardian. The parent or parents may also receive assistance from any person or social services agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved or approved or ordered by the court, the foster parents shall be fully informed of the provisions of the case plan and shall be provided a copy of the plan.

Upon discharge from foster care, the parent, adoptive parent, or permanent legal and physical custodian, as appropriate, and the child, if appropriate, must be provided with a current copy of the child's health and education record."

Page 53, line 19, strike "placement" and insert "foster care"

Page 54, line 19, strike "or parents"

Page 54, line 20, strike "a residential facility" and insert "foster care" and strike "placement due"

Page 54, line 21, strike everything before the comma and insert "voluntary foster care for treatment under chapter 260D"

Page 54, line 23, strike "residential care of" and strike "child" and insert "child's placement in foster care"

Page 54, line 34, strike "residential" and insert "foster"

Page 55, line 5, strike "residential facility" and insert "foster care"

Page 55, line 7, strike "who is not developmentally disabled or emotionally"

Page 55, line 8, strike "disturbed" and insert "under subdivision 8"

Page 58, after line 36, insert:

"Sec. 50. Minnesota Statutes 2006, section 260C.212, subdivision 8, is amended to read:

Subd. 8. ~~Review of Voluntary placements~~ foster care; required court review. ~~Except for a child in placement due solely to the child's developmental disability or emotional disturbance, if~~ When the responsible social services agency and the child's parent or guardian agree that the child's safety, health, and best interests require that the child be in foster care, the agency and the parent or guardian may enter into a voluntary agreement for the placement of the child in foster care. The voluntary agreement must be in writing and in a form approved by the commissioner. When the child has been placed in a residential facility foster care pursuant to a voluntary release by foster care agreement between the agency and the parent or parents, under this subdivision and the child is not returned home within 90 days after initial placement in the residential facility foster care, the social services agency responsible for the child's placement in foster care shall:

(1) return the child to the home of the parent or parents; or

(2) file a petition according to section 260C.141, subdivision 1 or 2, which may:

(i) ask the court to review the child's placement in foster care and approve it as continued voluntary foster care for up to an additional 90 days;

(ii) ask the court to order continued ~~out-of-home placement~~ foster care according to sections 260C.178 and 260C.201; or

(iii) ask the court to terminate parental rights under section 260C.301.

The out-of-home placement plan must be updated and filed along with the petition.

If the court approves ~~continued out-of-home placement~~ continuing the child in foster care for up to 90 more days on a voluntary basis, at the end of the court-approved 90-day period, the child must be returned to the parent's home. If the child is not returned home, the responsible social services agency must proceed on the petition filed alleging the child in need of protection or services or the petition for termination of parental rights or other permanent placement of the child away from the parent. The court must find a statutory basis to order the placement of the child under section 260C.178; 260C.201; or 260C.317."

Page 59, after line 28, insert:

"Sec. 53. **[260D.001] CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.**

(a) Sections 260D.001 to 260D.301 may be cited as the "child in voluntary foster care for treatment" provisions of the Juvenile Court Act.

(b) The juvenile court has original and exclusive jurisdiction over a child in voluntary foster care for treatment upon the filing of a report or petition required under this chapter. All obligations of the agency to a child and family in foster care contained in chapter 260C not inconsistent with this chapter are also obligations of the agency with regard to a child in foster care for treatment under this chapter.

(c) This chapter shall be construed consistently with the mission of the children's mental health service system as set out in section 245.487, subdivision 3, and the duties of an agency under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016, to meet the needs of a child with a developmental disability or related condition. This chapter:

(1) establishes voluntary foster care through a voluntary foster care agreement as the means for an agency and a parent to provide needed treatment when the child must be in foster care to receive necessary treatment for an emotional disturbance or developmental disability or related condition;

(2) establishes court review requirements for a child in voluntary foster care for treatment due to emotional disturbance or developmental disability or a related condition;

(3) establishes the ongoing responsibility of the parent as legal custodian to visit the child, to plan together with the agency for the child's treatment needs, to be available and accessible to the agency to make treatment decisions, and to obtain necessary medical, dental, and other care for the child; and

(4) applies to voluntary foster care when the child's parent and the agency agree that the child's treatment needs require foster care either:

(i) due to a level of care determination by the agency's screening team informed by the diagnostic and functional assessment under section 245.4885; or

(ii) due to a determination regarding the level of services needed by the responsible social services' screening team under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016.

(d) This chapter does not apply when there is a current determination under section 626.556 that the child requires child protective services or when the child is in foster care for any reason other than treatment for the child's emotional disturbance or developmental disability or related condition. When there is a determination under section 626.556 that the child requires child protective services based on an assessment that there are safety and risk issues for the child that have not been mitigated through the parent's engagement in services or otherwise, or when the child is in foster care for any reason other than the child's emotional disturbance or developmental disability or related condition, the provisions of chapter 260C apply.

(e) The paramount consideration in all proceedings concerning a child in voluntary foster care for treatment is the safety, health, and best interests of the child. The purpose of this chapter is:

(1) to ensure a child with a disability is provided the services necessary to treat or ameliorate the symptoms of the child's disability;

(2) to preserve and strengthen the child's family ties whenever possible and in the child's best interests, approving the child's placement away from the child's parents only when the child's need for care or treatment requires it, and the child cannot be maintained in the home of the parent; and

(3) to ensure the child's parent retains legal custody of the child and associated decision-making authority unless the child's parent willfully fails or is unable to make decisions that meet the child's safety, health, and best interests. The court may not find the parent willfully fails or is unable to make decisions that meet the child's needs solely because the parent disagrees with the agency's choice of foster care facility, unless the agency files a petition under chapter 260C, and establishes by clear and convincing evidence that the child is in need of protection or services.

(f) The legal parent-child relationship shall be supported under this chapter by maintaining the parent's legal authority and responsibility for ongoing planning for the child and by the agency's assisting the parent, where necessary, to exercise the parent's ongoing right and obligation to visit or to have reasonable contact with the child. Ongoing planning means:

(1) actively participating in the planning and provision of educational services, medical care, and dental care for the child;

(2) actively planning and participating with the agency and the foster care facility for the child's treatment needs; and

(3) planning to meet the child's need for safety, stability, and permanency, and the child's need to stay connected to the child's family and community.

(g) The provisions of section 260.012 to ensure placement prevention, family reunification, and all active and reasonable effort requirements of that section apply. This chapter shall be construed consistently with the requirements of the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et al, and the provisions of the Minnesota Indian Family Preservation Act, sections 260.071 to 260.835.

Sec. 54. **[260D.005] DEFINITIONS.**

Subdivision 1. **Definitions.** The definitions in this section supplement the definitions in section 260C.007. The definitions in section 260C.007 apply to this chapter and have the same meaning for purposes of this chapter as for chapter 260C.

Subd. 2. **Agency.** "Agency" means the responsible social services agency or a licensed child-placing agency.

Subd. 3. **Case plan.** "Case plan" means any plan for the delivery of services to a child and parent, or when reunification is not required, the child alone, that is developed according to the requirements of sections 245.4871, subdivision 19 or 21; 245.492, subdivision 16; 256B.092; 260C.212, subdivision 1; 626.556, subdivision 10; and Minnesota Rules, parts 9525.0004 to 9525.0016.

Subd. 4. **Child.** "Child" means an individual under 18 years of age.

Subd. 5. **Child in voluntary foster care for treatment.** "Child in voluntary foster care for treatment" means a child who is emotionally disturbed or developmentally disabled or has a related condition and is in foster care under a voluntary foster care agreement between the child's parent and the agency due to concurrence between the agency and the parent that the child's level of care requires placement in foster care either:

(1) due to a determination by the agency's screening team based on its review of the diagnostic and functional assessment under section 245.4885; or

(2) due to a determination by the agency's screening team under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016.

A child is not in voluntary foster care for treatment under this chapter when there is a current determination under section 626.556 that the child requires child protective services or when the child is in foster care for any reason other than the child's emotional or developmental disability or related condition.

Subd. 6. **Compelling reasons.** "Compelling reasons" has the same meaning given in section 260C.007, subdivision 8. The agency may determine compelling reasons when the child is in foster care for treatment and no grounds to terminate parental rights exist because the child must be in placement to access treatment, the child's individual treatment needs cannot be met in the child's home or through community-based care, and the parent continues to be responsible for planning together with the agency for the child's needs and maintains appropriate contact with the child.

Subd. 7. **Court.** "Court" means juvenile court unless otherwise specified in this section.

Subd. 8. **Development disability.** "Developmental disability" means developmental disability as defined in United States Code, title 42, section 6001(8).

Subd. 9. **Emotionally disturbed or emotional disturbance.** "Emotionally disturbed" or "emotional disturbance" means emotional disturbance as described in section 245.4871, subdivision 15.

Subd. 10. **Foster care.** "Foster care" means 24-hour substitute care for children placed away from their parents and for whom an agency has placement and care responsibility. Foster care includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities not excluded in this subdivision, child care institutions, and preadoptive homes. A child is in foster care under this definition, regardless of whether the facility is licensed and payments are made for the cost of care. Nothing in this

definition creates any authority to place a child in a home or facility that is required to be licensed that is not licensed. Foster care does not include placement in any of the following facilities: hospitals, inpatient chemical dependency treatment facilities, facilities that are primarily for delinquent children, any corrections facility or program within a particular corrections facility not meeting requirements for Title IV-E facilities as determined by the commissioner, facilities to which a child is committed under the provision of chapter 253B, forestry camps, or jails.

Subd. 11. **Legal authority to place the child.** "Legal authority to place the child" means the agency has legal responsibility for the care and control of the child while the child is in foster care. The agency may acquire legal authority to place a child through a voluntary placement agreement between the agency and the child's parent under this chapter. Legal authority to place the child does not mean the agency has authority to make major life decisions regarding the child, including major medical decisions. A parent with legal custody of the child continues to have legal authority to make major life decisions regarding the child, including major medical decisions.

Subd. 12. **Minor.** "Minor" means an individual under 18 years of age.

Subd. 13. **Parent.** "Parent" means the birth or adoptive parent of a minor. Parent also means the child's legal guardian or any individual who has legal authority to make decisions and plans for the child. For an Indian child, parent includes any Indian person who has adopted a child by tribal law or custom, as provided in section 260.755, subdivision 14.

Subd. 14. **Reasonable efforts to finalize a permanent plan for the child.** "Reasonable efforts to finalize a permanent plan for the child" has the same meaning under this chapter as provided in section 260.012, paragraph (e).

Sec. 55. **[260D.101] VOLUNTARY FOSTER CARE.**

Subdivision 1. **Voluntary foster care.** When the agency's screening team, based upon the diagnostic and functional assessment under section 245.4885 or 256B.092, subdivision 7, determines the child's need for treatment due to emotional disturbance or developmental disability or related condition requires foster care placement of the child, a voluntary foster care agreement between the child's parent and the agency gives the agency legal authority to place the child in foster care.

Subd. 2. **Voluntary foster care agreement.** A voluntary foster care agreement shall be used to provide the agency the legal authority to place a child in foster care for treatment due to the child's disability. The agreement must be in writing and signed by both the child's parent and the agency. The agreement must be in a form approved by the commissioner of human services, and shall contain notice to parents of the consequences to the parent and to the child of being in voluntary foster care.

Sec. 56. **[260D.102] REQUIRED INFORMATION FOR CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.**

An agency with authority to place a child in voluntary foster care for treatment due to emotional disturbance or developmental disability or related condition shall inform the child age 12 or older of the following:

(a) The child has the right to be consulted in the preparation of the out-of-home placement plan required under section 260C.212, subdivision 1, and the administrative review required under section 260C.212, subdivision 7.

(b) The child has the right to visit the parent and the right to visit the child's siblings as determined safe and appropriate by the parent and the agency.

(c) If the child disagrees with the foster care facility or services provided under the out-of-home placement plan required under section 260C.212, subdivision 1, the agency shall include information about the nature of the child's disagreement and, to the extent possible, the agency's understanding of the basis of the child's disagreement in the information provided to the court in the report required under section 260D.105.

(d) The child has the rights established under Minnesota Rules, part 2960.0050, as a resident of a facility licensed by the state.

Sec. 57. [260D.103] ADMINISTRATIVE REVIEW OF CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.

The administrative reviews required under section 260C.212, subdivision 7, must be conducted for a child in voluntary foster care for treatment, except that the initial administrative review must take place prior to the submission of the report to the court required under section 260D.105, subdivision 2.

Sec. 58. [260D.105] AGENCY REPORT TO THE COURT AND COURT REVIEW OF CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT DUE TO DISABILITY.

Subdivision 1. **Judicial review.** In the case of a child in voluntary foster care for treatment due to disability under section 260D.101, the agency shall obtain judicial review of the child's voluntary foster care placement within 165 days of the placement.

Subd. 2. **Agency report to court; court review.** The agency shall obtain judicial review by reporting to the court according to the following procedures:

(a) A written report shall be forwarded to the court within 165 days of the date of the voluntary placement agreement. The written report shall contain or have attached:

(1) a statement of facts that necessitate the child's foster care placement;

(2) the child's name, date of birth, race, gender, and current address;

(3) the names, race, date of birth, residence, and post office addresses of the child's parents or legal custodian;

(4) a statement regarding the child's eligibility for membership or enrollment in an Indian tribe and the agency's compliance with applicable provisions of sections 260.751 to 260.835;

(5) the names and addresses of the foster parents or chief administrator of the facility in which the child is placed, if the child is not in a family foster home or group home;

(6) a copy of the out-of-home placement plan required under section 260C.212, subdivision 1;

(7) a written summary of the proceedings of any administrative review required under section 260C.212, subdivision 7; and

(8) any other information the agency, parent or legal custodian, child or foster parent, or other residential facility wants the court to consider.

(b) In the case of a child in placement due to emotional disturbance, the written report shall include as an attachment the child's individual treatment plan developed by the child's treatment professional, as provided in section 245.4871, subdivision 21, or the child's individual interagency intervention plan, as provided in section 125A.023, subdivision 3, paragraph (c).

(c) In the case of a child in placement due to developmental disability or a related condition, the written report shall include as an attachment the child's individual service plan, as provided in section 256B.092, subdivision 1b; the child's individual program plan, as provided in Minnesota Rules, part 9525.0004, subpart 11; the child's waiver care plan; or the child's individual interagency intervention plan, as provided in section 125A.023, subdivision 3, paragraph (c).

(d) The agency must inform the child age 12 or older, the child's parent, and the foster parent or foster care facility of the reporting and court review requirements of this section and of their right to submit information to the court:

(1) if the child or the child's parent or the foster care provider wants to send information to the court, the agency shall advise those persons of the reporting date and the date by which the agency must receive the information they want forwarded to the court so the agency is timely able to submit it with the agency's report required under this subdivision;

(2) the agency must also inform the child age 12 or older, the child's parent, and the foster care facility that they have the right to be heard in person by the court and how to exercise that right;

(3) the agency must also inform the child age 12 or older, the child's parent, and the foster care provider that an in-court hearing will be held if requested by the child, the parent, or the foster care provider; and

(4) if, at the time required for the report under this section, a child age 12 or older disagrees about the foster care facility or services provided under the out-of-home placement plan required under section 260C.212, subdivision 1, the agency shall include information regarding the child's disagreement, and to the extent possible, the basis for the child's disagreement in the report required under this section.

(e) After receiving the required report, the court has jurisdiction to make the following determinations and must do so within ten days of receiving the forwarded report, whether a hearing is requested:

(1) whether the voluntary foster care arrangement is in the child's best interests;

(2) whether the parent and agency are appropriately planning for the child; and

(3) in the case of a child age 12 or older who disagrees with the foster care facility or services provided under the out-of-home placement plan, whether it is appropriate to appoint counsel and a guardian ad litem for the child using standards and procedures under section 260C.163.

(f) Unless requested by a parent, representative of the foster care facility, or the child, no in-court hearing is required in order for the court to make findings and issue an order as required in paragraph (e).

(g) If the court finds that the voluntary foster care arrangement is in the child's best interests and that the agency and parent are appropriately planning for the child, the court shall issue an order containing explicit, individualized findings to support its determination. The individualized findings shall be based on the agency's written report and other materials submitted to the court. The court may make this determination notwithstanding the child's disagreement, if any, reported under paragraph (d).

(h) The court shall send a copy of the order to the county attorney, agency, parent, child age 12 or older, and foster parent or foster care facility.

(i) The court shall also send the parent, child age 12 or older, foster parent, or representative of the foster care facility notice of the permanency review hearing required under section 260D.107, paragraph (e).

(j) If the court finds continuing the voluntary foster care arrangement is not in the child's best interests or that the agency or the parent are not appropriately planning for the child, the court shall notify the agency, parent, foster parent or foster care facility, child age 12 or older, and county attorney of the court's determinations and the basis for the court's determinations. In this case, the court shall set the matter for hearing and appoint a guardian ad litem for the child under section 260C.163, subdivision 5.

Sec. 59. **[260D.107] REQUIRED PERMANENCY REVIEW HEARING.**

(a) When the court has found that the voluntary arrangement is in the child's best interests and that the agency and parent are appropriately planning for the child pursuant to the report submitted under section 260D.105, and the child continues in voluntary foster care as defined in section 260D.007, subdivision 10, for 13 months from the date of the voluntary foster care agreement, or has been in placement for 15 of the last 22 months, the agency must:

(1) terminate the voluntary foster care agreement and return the child home;

(2) determine whether there are compelling reasons to continue the voluntary foster care arrangement and, if the agency determines there are compelling reasons, seek judicial approval if its determination; or

(3) file a petition for the termination of parental rights.

(b) When the agency is asking for the court's approval of its determination that there are compelling reasons to continue the child in the voluntary foster care arrangement, the agency shall file a "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment" and ask the court to proceed under this section.

(c) The "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment" shall be drafted or approved by the county attorney and be under oath. The petition shall include:

(1) the date of the voluntary placement agreement;

(2) whether the petition is due to the child's developmental disability or emotional disturbance;

(3) the plan for the ongoing care of the child and the parent's participation in the plan;

(4) a description of the parent's visitation and contact with the child;

(5) the date of the court finding that the foster care placement was in the best interests of the child, if required under section 260D.105, or the date the agency filed the motion under section 260D.201, paragraph (b);

(6) the agency's reasonable efforts to finalize the permanent plan for the child, including returning the child to the care of the child's family; and

(7) a citation to this chapter as the basis for the petition.

(d) An updated copy of the out-of-home placement plan required under section 260C.212, subdivision 1, shall be filed with the petition.

(e) The court shall set the date for the permanency review hearing no later than 14 months after the child has been in placement or within 30 days of the petition filing date when the child has been in placement 15 of the last 22 months. The court shall serve the petition together with a notice of hearing by United States mail on the parent; the child age 12 or older; the child's guardian ad litem, if one has been appointed; the agency; the county attorney; and counsel for any party.

(f) The court shall conduct the permanency review hearing on the petition no later than 14 months after the date of the voluntary placement agreement, within 30 days of the filing of the petition when the child has been in placement 15 of the last 22 months, or within 15 days of a motion to terminate jurisdiction and to dismiss an order for foster care under chapter 260C, as provided in section 260D.201, paragraph (b).

(g) At the permanency review hearing, the court shall:

(1) inquire of the parent if the parent has reviewed the "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment," whether the petition is accurate, and whether the parent agrees to the continued voluntary foster care arrangement as being in the child's best interests;

(2) inquire of the parent if the parent is satisfied with the agency's reasonable efforts to finalize the permanent plan for the child, including whether there are services available and accessible to the parent that might allow the child to safely be with the child's family;

(3) inquire of the parent if the parent consents to the court entering an order that:

(i) approves the responsible agency's reasonable efforts to finalize the permanent plan for the child, which includes ongoing future planning for the safety, health, and best interests of the child; and

(ii) approves the responsible agency's determination that there are compelling reasons why the continued voluntary foster care arrangement is in the child's best interests;

(4) inquire of the child's guardian ad litem and any other party whether the guardian or the party agrees that:

(i) the court should approve the responsible agency's reasonable efforts to finalize the permanent plan for the child, which includes ongoing and future planning for the safety, health, and best interests of the child; and

(ii) the court should approve of the responsible agency's determination that there are compelling reasons why the continued voluntary foster care arrangement is in the child's best interests.

(h) At a permanency review hearing under this section, the court may take the following actions based on the contents of the sworn petition and the consent of the parent:

(1) approve the agency's compelling reasons that the voluntary foster care arrangement is in the best interests of the child; and

(2) find that the agency has made reasonable efforts to finalize the permanent plan for the child.

(i) A child age 12 or older may object to the agency's request that the court approve its compelling reasons for the continued voluntary arrangement and may be heard on the reasons for the objection. Notwithstanding the child's objection, the court may approve the agency's compelling reasons and the voluntary arrangement.

(j) If the court does not approve the voluntary arrangement after hearing from the child or the child's guardian ad litem, the court shall dismiss the petition. In this case, either:

(1) the child must be returned to the care of the parent; or

(2) the agency must file a petition under section 260C.141 asking for appropriate relief under section 260C.201, subdivision 11, or 260C.301.

(k) When the court approves the agency's compelling reasons for the child to continue in voluntary foster care for treatment, and finds that the agency has made reasonable efforts to finalize a permanent plan for the child, the court shall approve the continued voluntary foster care arrangement, and continue the matter under the court's jurisdiction for the purposes of reviewing the child's placement every 12 months while the child is in foster care.

(l) A finding that the court approves the continued voluntary placement means the agency has continued legal authority to place the child while a voluntary placement agreement remains in effect. The parent or the agency may terminate a voluntary agreement as provided in section 260D.301. Termination of a voluntary foster care placement of an Indian child is governed by section 260.765, subdivision 4.

Sec. 60. **[260D.109] ANNUAL REVIEW.**

(a) After the court conducts a permanency review hearing under section 260D.107, the matter must be returned to the court for further review of the child's foster care placement at least every 12 months while the child is in foster care. The court shall give notice to the parent and child age 12 or older and the foster parents of the continued review requirements under this section at the permanency review hearing.

(b) Every 12 months, the court shall determine whether the agency made reasonable efforts to finalize the permanent plan for the child, which means the exercise of due diligence by the agency to:

(1) ensure that the agreement for voluntary foster care is the most appropriate legal arrangement to meet the child's safety, health, and best interests;

(2) engage and support the parent in continued involvement in planning and decision making for the needs of the child;

(3) strengthen the child's ties to the parent, relatives, and community;

(4) implement the out-of-home placement plan required under section 260C.212, subdivision 1, and ensure that the plan requires the provision of appropriate services to address the physical health, mental health, and educational needs of the child; and

(5) ensure appropriate planning for the child's safe, permanent, and independent living arrangement after the child's 18th birthday.

Sec. 61. **[260D.201] PERMANENCY REVIEW AFTER ADJUDICATION UNDER CHAPTER 260C.**

(a) If a child has been ordered into foster care under section 260C.178 or 260C.201, subdivision 1, and the conditions that led to the court's order have been corrected so that the child could safely return home, except for the child's need to continue in foster care for treatment due to the child's disability, the child's parent and the agency may enter into a voluntary foster care agreement under this chapter using the procedure described in paragraph (b).

(b) When the agency and the parent agree to enter into a voluntary foster care agreement under this chapter, the agency must file a motion to terminate jurisdiction under section 260C.193, subdivision 6, and to dismiss the order for foster care under section 260C.178 or 260C.201, subdivision 1, together with the petition required under section 260D.107, paragraph (b), for permanency review and the court's approval of the voluntary arrangement.

(c) The court shall send the motion and the petition filed under subdivision 2 together with a notice of hearing by mail as required in section 260D.107, paragraph (e).

(d) The petition and motion under this section must be filed no later than the time the agency is required to file a petition for permanent placement under section 260C.201, subdivision 11, but may be filed as soon as the agency and the parent agree that the child should remain in foster care under a voluntary foster care agreement, because the child needs treatment and voluntary foster care is in the child's best interests.

(e) In order for the agency to have continuous legal authority to place the child, the parent and the agency must execute a voluntary foster care agreement for the child's continuation in foster care for treatment prior to the termination of the order for foster care under section 260C.178 or 260C.201, subdivision 1. The parent and agency may execute the voluntary foster care agreement at or before the permanency review hearing required under this section. The voluntary foster care agreement shall not be effective until the court terminates jurisdiction under section 260C.193, subdivision 6, and dismisses the order for foster care under section 260C.178 or 260C.201, subdivision 1. Unless the agency and the parent execute a voluntary placement agreement for the child to continue in voluntary foster care for treatment, the agency shall not have legal authority to place the child after the court terminates jurisdiction under chapter 260C.

Sec. 62. **[260D.301] TERMINATION OF VOLUNTARY PLACEMENT AGREEMENT.**

(a) The child's parent may terminate a voluntary placement agreement under this chapter upon written notice to the agency of the termination of the agreement. The termination of a voluntary foster care agreement regarding an Indian child shall be governed by section 260.765, subdivision 4.

(b) The agency may terminate a voluntary placement agreement under this section upon written notice of the termination of the agreement to the parent. Prior to sending notice of termination of the voluntary foster care placement agreement, the agency shall contact the parent regarding transition planning under paragraph (e). Written notice by the agency shall be considered received by the parent three business days after mailing by the agency.

(c) Upon receipt of notice of the termination of the voluntary foster care agreement, the agency, the parent, and the facility may agree to a time that the child shall return home. The scheduled time to return home shall meet the child's need for safety and reasonable transition. Unless otherwise agreed to by the parent and the agency, the child's return home shall not occur sooner than 72 hours and not later than 30 days after written notice of termination is received or sent by the agency.

(d) A parent who disagrees with the termination of a voluntary foster care agreement by the agency under this chapter has the right to a fair hearing under section 256.045 to appeal the termination of the voluntary foster care agreement. When the agency gives written notice to the parent of the termination of the agreement, the agency must also give the parent notice of the parent's right to a fair hearing under section 256.045 to appeal the agency's decision to terminate the voluntary foster care agreement.

(e) The agency and the child's parents shall engage in transition planning for the child's return home, including establishing a scheduled time for the child to return home, an increased visitation plan between the parent and child, and a plan for what services will be provided and in place upon the child's return home.

(f) Notice of termination of voluntary foster care agreement does not terminate the agreement. The voluntary foster care agreement and the agency's legal authority to place the child are terminated by the child's return home or by court order."

Page 62, delete article 2

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, delete everything after the first semicolon and insert "adopting a"

Page 1, line 5, delete everything after the second semicolon

Page 1, line 6, delete "adopt rules;" and insert "regulating voluntary foster care for treatment;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3569, A bill for an act relating to workers' health; directing the University of Minnesota to study workers' health including lung health; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **APPROPRIATION; UNIVERSITY OF MINNESOTA WORKERS' HEALTH STUDY.**

(a) \$4,900,000 in fiscal year 2008 is appropriated from the workers' compensation special fund under Minnesota Statutes, section 176.129, to the Board of Regents of the University of Minnesota for the purposes of this section. Notwithstanding section 176.129, subdivision 6, the appropriation must be used for a study of workers' health. The study must include a comprehensive science and evidence-based study of workers' lung health. The university, as the lead agency, must develop, conduct and coordinate the study in partnership with the Department of Health, the Department of Natural Resources, the Pollution Control Agency, business and industry, local health providers and organizations, other affected groups, and other state, federal, and local agencies. This is a onetime appropriation that does not cancel and is available until expended.

(b) At a minimum, the study funded under this section must include industry-specific worker mortality and morbidity studies, clinical disease studies, exposure assessments, case-control screening of current and former workers, and environmental studies that assess health impacts on workers and communities. The university must begin the studies in 2008 and complete them no later than 2013. The university, in conjunction with its partners in the workers' health study, must report annually to the committees of the legislature with responsibility for health and workers' safety until the study is completed. Each annual report must present the preliminary findings of the workers' health studies and recommendations based on those findings."

Delete the title and insert:

"A bill for an act relating to workers' health; directing the University of Minnesota to study workers' health including lung health; appropriating money."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3610, A bill for an act relating to health; regulating medical debt information; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[325E.45] MINNESOTA MEDICAL PRIVACY PROTECTION ACT.**

Subdivision 1. **Citation.** This section may be cited as the "Minnesota Medical Privacy Protection Act."

Subd. 2. **Findings.** The legislature finds and declares that the protection of financial and medical debt information of patients, and the provision of health care services, products, or devices to patients, is an important objective of the government of this state. The legislature also finds and declares that medical debt incurred by patients should not prevent patients from receiving health care services, products, or devices from health care providers that accept medical assistance. Therefore, the legislature finds and declares that it is in the public interest to ensure that health care providers that accept medical assistance do not unnecessarily disclose an individual patient's financial or medical debt information to another entity, and that such health care providers do not obtain or use information from any entity that gathers, maintains, evaluates, or distributes individual patient financial or debt information until after health care services, products, or devices have been provided by the health care provider to the patient.

Subd. 3. **Purpose.** The legislature declares it to be the purpose of this section to protect a patient's financial and medical debt information and to ensure the provision of health care services, products, or devices despite a patient's medical debt.

Subd. 4. **Definitions.** For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Health care provider" has the meaning given in section 62J.03, subdivision 8, but does not include a "housing with services establishment," as defined in section 144D.01, subdivision 4; an entity providing assisted living services, as described in section 144G.01; or an entity licensed as a boarding care home under sections 144.50 to 144.56.

(b) "Medical debt information" means any information relating to the payment history or indebtedness of a patient regarding health care services, products, or devices provided by a health care provider to a patient.

Subd. 5. **Prohibited conduct.** A health care provider shall not disclose an individual patient's financial or medical debt information to another entity.

A health care provider shall not obtain or use information from any entity that gathers, maintains, evaluates, or distributes individual patient financial or debt information until after health care services, products, or devices have been provided by the health care provider to the patient.

Subd. 6. **General exclusions.** Nothing in this section prevents a health care provider from sharing an individual patient's financial or medical debt information with the patient; the patient's insurer; the patient's authorized third-party debt management services provider as defined in section 332A.02; a third-party debt collector as defined in section 332.31, that the health care provider has contracted to collect the patient's medical debt; an attorney, accountant, or auditor employed by or acting on behalf of the health care provider; or the local, county, state, or federal government as required by law. Nothing in this section prevents a health care provider from disclosing a court judgment obtained by the provider. Nothing in this section prevents a health care provider from discussing payment options or insurance coverage with a patient. This section only applies to medically necessary health care services, products, or devices and not to cosmetic procedures without any medical necessity.

Subd. 7. **Severability clause.** Each provision of this section is severable. Application of any provision in this section to a particular circumstance is severable. If any provision of this section or application of a provision of this section is found to be contrary to law and unenforceable, the remaining provisions and applications of this section shall remain valid and enforceable under section 645.20.

Subd. 8. **Enforcement.** This section may be enforced pursuant to section 8.31.

EFFECTIVE DATE. This section is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; regulating medical debt information; proposing coding for new law in Minnesota Statutes, chapter 325E."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3670, A bill for an act relating to public safety; requiring screening of certain defendants in criminal cases for posttraumatic stress disorder; authorizing mitigated dispositions for certain offenders suffering from posttraumatic stress disorder who receive treatment; requiring legislative reports and the collection of summary data; requiring the preparation and distribution of an informational pamphlet; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 609.115, is amended by adding a subdivision to read:

Subd. 10. **Veterans; mental health status.** (a) When a defendant is convicted of a crime, the court shall inquire whether the defendant is a veteran of the armed forces of the United States.

(b) If the defendant is a veteran and has been diagnosed with a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the report under subdivision 1 consult with the United States Department of Veterans Affairs, Minnesota Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the defendant as a veteran including federal, state, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant as a veteran in imposing sentence."

Delete the title and insert:

"A bill for an act relating to public safety; requiring the court to inquire as to whether a convicted defendant is a veteran; authorizing consultation with federal and state veterans affairs regarding mental health treatment options during presentence investigations; amending Minnesota Statutes 2006, section 609.115, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3774, A bill for an act relating to commerce; clarifying the application of the Minnesota Residential Mortgage Originator and Servicer Licensing Act; clarifying the investment authority of certain insurers; amending Minnesota Statutes 2006, sections 58.02, subdivisions 18, 21; 60A.11, subdivision 9.

Reported the same back with the following amendments:

Page 1, after line 18, insert:

"Sec. 3. Minnesota Statutes 2006, section 58.14, subdivision 3, is amended to read:

Subd. 3. **Documentation and resolution of complaints.** A licensee or exempt person must investigate and attempt to resolve complaints made regarding acts or practices subject to the provisions of this chapter. If a complaint is received in writing, the licensee or exempt person must maintain a file containing all materials relating to the complaint and subsequent investigation for a period of ~~26~~ 60 months.

Sec. 4. Minnesota Statutes 2006, section 58.14, subdivision 4, is amended to read:

Subd. 4. **Trust account records for mortgage originators.** A residential mortgage originator shall keep and maintain for ~~26~~60 months a record of all trust funds, sufficient to identify the transaction, date and source of receipt, and date and identification of disbursement.

Sec. 5. Minnesota Statutes 2006, section 58.14, subdivision 5, is amended to read:

Subd. 5. **Record retention.** A licensee or exempt person must keep and maintain for ~~26~~60 months the business records, including advertisements, regarding residential mortgage loans applied for, originated, or serviced in the course of its business."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the semicolon, insert "and modifying records retention periods"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3792, A bill for an act relating to commuter rail; clarifying the commissioner of transportation's authority; providing for the operation and maintenance of commuter rail lines located in whole or in part within the metropolitan area; proposing coding for new law in Minnesota Statutes, chapters 174; 473.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2006, section 174.82, is amended to read:

174.82 COMMUTER RAIL; COMMISSIONER'S DUTIES; CONTRACTS; LIABILITIES, RIGHTS, AND FINANCIAL CONSIDERATIONS.

(a) The planning, development, construction, operation, and maintenance of commuter rail track, facilities, and services are governmental functions, serve a public purpose, and are a matter of public necessity. The commissioner shall be responsible for all aspects of planning, developing, constructing, operating, and maintaining commuter rail, including system planning, advanced corridor planning, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans. The commissioner may exercise the powers granted in this chapter, as necessary, to plan, design, acquire, construct, and equip commuter rail facilities. The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities.

(b) The commissioner, or a public entity contracting with the commissioner, or the Metropolitan Council under section 473.4057, may contract with a railroad that is a Class I railroad under federal law for the joint or shared use of the railroad's right-of-way or the construction, operation, or maintenance of rail track, facilities, or services for commuter rail purposes. Notwithstanding section 3.732, subdivision 1, clause (2), or section 466.01, subdivision 6, sections 466.04 and 466.06 govern the liability of the Class I railroad and its employees arising from the joint or shared use of the railroad right-of-way or the provision of commuter rail construction, operation, or maintenance services pursuant to the contract. Notwithstanding any law to the contrary, a contract with the Class I railroad for any commuter rail service, or joint or shared use of the railroad's right-of-way, may also provide for the allocation of financial responsibility, indemnification, and the procurement of insurance for the parties for all types of claims or damages. A contract entered into under this section does not affect rights of employees under the Federal Employers Liability Act or the federal Railway Labor Act."

Page 2, line 9, delete "describes a result intended in the" and insert "has the meaning given in section 16C.02, subdivisions 4 and 4a."

Page 2, delete lines 10 to 12

Page 2, line 13, delete "performance."

Page 3, line 1, delete "Except for those provisions that provide"

Page 3, delete line 2

Page 3, line 3, delete "commuter rail," and after "174.82" insert ". paragraph (b)."

Page 3, after line 7, insert:

"Subd. 9. **Rights of employees.** A contract entered into under subdivisions 1 to 9 does not affect the rights of employees under the Federal Employers Liability Act or the Railway Labor Act."

Page 3, line 8, before the period, insert "and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3793, A bill for an act relating to education; clarifying a student policy on cooperating and providing educators with information about school matters; amending Minnesota Statutes 2006, section 121A.55.

Reported the same back with the following amendments:

Page 2, line 4, after "matters" insert ", consistent with the due process provisions of the Pupil Fair Dismissal Act"

Page 2, line 6, delete "to the school administrator that" and insert "that the school administrator reasonably believes"

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3812, A bill for an act relating to health; requiring public pools and spas to be equipped with anti-entrapment devices or systems; amending Minnesota Statutes 2006, sections 144.1222, subdivision 1a, by adding subdivisions; 157.16, as amended.

Reported the same back with the following amendments:

Page 3, delete lines 9 to 11 and insert:

"(b) If at any time an outlet cover or grate is missing, broken, or loose, the pool must be closed immediately. The pool may not open until the missing or broken cover or grate has been replaced according to the manufacturer's specifications, or the loose cover or grate has been reattached according to the manufacturer's specifications."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3850, A bill for an act relating to courts; limiting testimony of domestic abuse advocates without consent of victims; amending Minnesota Statutes 2007 Supplement, section 595.02, subdivision 1.

Reported the same back with the following amendments:

Page 4, line 10, before the period, insert "unless ordered by the court"

Page 4, line 20, after the first "by" insert "or under the direct supervision of"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3868, A bill for an act relating to transportation finance; correcting transitional rate of special fuel excise tax on compressed natural gas; amending Laws 2008, chapter 152, article 3, section 6.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Laws 2008, chapter 152, article 2, section 1, is amended by adding a subdivision to read:

Subd. 4. **Surcharge administration.** The audit, assessment, appeal, collection, enforcement, penalty, interest, refund, and administrative provisions that apply to the taxes in chapter 296A apply to the surcharge imposed by this section.

EFFECTIVE DATE. This section is effective the day following final enactment."

Page 1, line 6, delete "Section 1." and insert "Sec. 2."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for administration of motor fuel surcharge;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3904, A bill for an act relating to statutory cities; providing for discharge of a charter commission; providing for compensation of charter commissions; authorizing charter amendments by ordinance; providing for water and sewer charges; amending Minnesota Statutes 2006, sections 410.05, subdivision 5; 410.06; 410.12, subdivision 7; 444.075, subdivision 3.

Reported the same back with the following amendments:

Page 1, delete sections 1 and 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the first semicolon

Page 1, line 3, delete everything before "authorizing"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3995, A bill for an act relating to public safety; creating a gross misdemeanor for assaulting a utility employee or contractor; amending Minnesota Statutes 2006, section 609.2231, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1625, 2460, 2628, 2783, 2877, 2906, 2955, 2970, 3090, 3161, 3281, 3302, 3312, 3316, 3367, 3456, 3564, 3670, 3774, 3793, 3850, 3868, 3904 and 3995 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 457, 2861, 2881 and 3084 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rukavina, Dill and Howes introduced:

H. F. No. 4108, A bill for an act relating to natural resources; modifying management plan requirements of certain recreation area; appropriating money for recreational underpass; amending Laws 1999, chapter 231, section 99, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Murphy, M., by request, introduced:

H. F. No. 4109, A bill for an act relating to retirement; the Minnesota State Colleges and Universities system individual retirement account plan; permitting a revision in prior retirement benefit coverage elections; amending Minnesota Statutes 2006, section 354B.21, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Bunn, Abeler, Paulsen, Thissen, Norton and Dean introduced:

H. F. No. 4110, A bill for an act relating to insurance; providing an evaluation of proposed and enacted mandated health benefits; appropriating money; amending Minnesota Statutes 2006, section 62J.26.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Benson introduced:

H. F. No. 4111, A bill for an act relating to public safety; designating a specified law as the "Teri Lee Law"; amending Minnesota Statutes 2007 Supplement, section 299C.46, subdivision 6.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Murphy, E., and Lenczewski introduced:

H. F. No. 4112, A bill for an act relating to local government; extending the authority of Ramsey County to impose a mortgage registry and deed tax; extending the authority of Hennepin County to impose a mortgage registry and deed tax; amending Minnesota Statutes 2006, sections 383A.80, subdivision 4; 383B.80, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2816, A bill for an act relating to Nicollet County; providing a process for making certain offices appointive in Nicollet County.

PATRICE DWORAK, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Morrow moved that the House concur in the Senate amendments to H. F. No. 2816 and that the bill be repassed as amended by the Senate.

Buesgens moved that the House refuse to concur in the Senate amendments to H. F. No. 2816, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Buesgens motion and the roll was called. There were 44 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Hoppe	Paulsen	Tingelstad
Anderson, S.	Demmer	Garofalo	Lanning	Peppin	Wardlow
Beard	Dettmer	Gottwalt	Magnus	Ruth	Westrom
Berns	Drazkowski	Gunther	McFarlane	Seifert	Zellers
Brod	Eastlund	Hackbarth	McNamara	Severson	
Buesgens	Eken	Hamilton	Murphy, M.	Shimanski	
Cornish	Emmer	Heidgerken	Nornes	Simpson	
Dean	Erickson	Holberg	Otremba	Smith	

Those who voted in the negative were:

Abeler	Doty	Jaros	Madore	Pelowski	Thissen
Anzelc	Faust	Johnson	Mahoney	Peterson, A.	Tillberry
Atkins	Fritz	Juhnke	Mariani	Peterson, S.	Tschumper
Benson	Gardner	Kahn	Marquart	Poppe	Urdahl
Bigham	Greiling	Kalin	Masin	Rukavina	Wagenius
Bly	Hansen	Knuth	Moe	Ruud	Walker
Brown	Hausman	Koenen	Morgan	Sailer	Ward
Brynaert	Haws	Kranz	Morrow	Scalze	Welti
Bunn	Hilstrom	Laine	Mullery	Sertich	Winkler
Carlson	Hilty	Lenczewski	Murphy, E.	Simon	Wollschlager
Clark	Hornstein	Lesch	Nelson	Slawik	Spk. Kelliher
Davnie	Hortman	Liebling	Norton	Slocum	
Dill	Hosch	Lieder	Olin	Solberg	
Dittrich	Howes	Lillie	Ozment	Swails	
Dominguez	Huntley	Loeffler	Paymar	Thao	

The motion did not prevail.

The question recurred on the Morrow motion that the House concur in the Senate amendments to H. F. No. 2816 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2816, A bill for an act relating to Nicollet County; providing a process for making certain offices appointive in Nicollet County.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 88 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hosch	Madore	Ozment	Swails
Anzelc	Dittrich	Howes	Magnus	Pelowski	Thao
Atkins	Dominguez	Huntley	Mahoney	Peterson, A.	Thissen
Beard	Fritz	Johnson	Mariani	Peterson, S.	Tillberry
Benson	Gardner	Kahn	Masin	Poppe	Tingelstad
Berns	Greiling	Knuth	McFarlane	Ruth	Tschumper
Bigham	Gunther	Koenen	McNamara	Ruud	Urdahl
Brown	Hamilton	Laine	Moe	Sailer	Wagenius
Brynaert	Hausman	Lanning	Morgan	Scalze	Walker
Bunn	Haws	Lenczewski	Morrow	Sertich	Welti
Carlson	Heidgerken	Lesch	Mullery	Simon	Winkler
Clark	Hilstrom	Liebling	Murphy, E.	Simpson	Wollschlager
Davnie	Hoppe	Lieder	Nelson	Slawik	Spk. Kelliher
DeLaForest	Hornstein	Lillie	Norton	Slocum	
Demmer	Hortman	Loeffler	Olin	Solberg	

Those who voted in the negative were:

Anderson, B.	Dettmer	Faust	Jaros	Otremba	Shimanski
Anderson, S.	Doty	Finstad	Juhnke	Paulsen	Smith
Bly	Drazkowski	Garofalo	Kalin	Paymar	Ward
Brod	Eastlund	Gottwalt	Kranz	Peppin	Wardlow
Buesgens	Eken	Hansen	Marquart	Rukavina	Westrom
Cornish	Emmer	Hilty	Murphy, M.	Seifert	Zellers
Dean	Erickson	Holberg	Nornes	Severson	

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2907, A bill for an act relating to Yellow Medicine County; providing a process for making certain offices appointive in Yellow Medicine County.

PATRICE DWORAK, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Peterson, A., moved that the House concur in the Senate amendments to H. F. No. 2907 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

Buesgens moved that the House refuse to concur in the Senate amendments to H. F. No. 2907, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Buesgens motion and the roll was called. There were 43 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Kranz	Peppin	Wardlow
Anderson, S.	Demmer	Gottwalt	Lanning	Ruth	Westrom
Beard	Dettmer	Gunther	McFarlane	Seifert	Zellers
Berns	Drazkowski	Hackbarth	McNamara	Severson	
Brod	Eastlund	Hamilton	Murphy, M.	Shimanski	
Buesgens	Emmer	Holberg	Nornes	Simpson	
Cornish	Erickson	Hoppe	Otremba	Smith	
Dean	Finstad	Jaros	Paulsen	Ward	

Those who voted in the negative were:

Abeler	Doty	Howes	Madore	Paymar	Thao
Anzelc	Eken	Huntley	Magnus	Pelowski	Thissen
Atkins	Faust	Johnson	Mahoney	Peterson, A.	Tillberry
Benson	Fritz	Juhnke	Mariani	Peterson, S.	Tingelstad
Bigham	Gardner	Kahn	Marquart	Poppe	Tschumper
Bly	Greiling	Kalin	Masin	Rukavina	Urdahl
Brown	Hansen	Knuth	Moe	Ruud	Wagenius
Brynaert	Hausman	Koenen	Morgan	Sailer	Walker
Bunn	Haws	Laine	Morrow	Scalze	Welti
Carlson	Heidgerken	Lenczewski	Mullery	Sertich	Winkler
Clark	Hilstrom	Lesch	Murphy, E.	Simon	Wollschlager
Davnie	Hilty	Liebling	Nelson	Slawik	Spk. Kelliher
Dill	Hornstein	Lieder	Norton	Slocum	
Dittrich	Hortman	Lillie	Olin	Solberg	
Dominguez	Hosch	Loeffler	Ozment	Swails	

The motion did not prevail.

The question recurred on the Peterson, A., motion that the House concur in the Senate amendments to H. F. No. 2907 and that the bill be repassed, as amended by the Senate and the roll was called. There were 92 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Howes	Madore	Ozment	Thao
Anzelc	Doty	Huntley	Magnus	Pelowski	Thissen
Atkins	Faust	Jaros	Mahoney	Peterson, A.	Tillberry
Benson	Fritz	Johnson	Mariani	Peterson, S.	Tingelstad
Berns	Gardner	Juhnke	Masin	Poppe	Tschumper
Bigham	Greiling	Kahn	McFarlane	Rukavina	Urdahl
Bly	Hamilton	Knuth	McNamara	Ruth	Wagenius
Brown	Hansen	Koenen	Moe	Ruud	Walker
Brynaert	Hausman	Laine	Morgan	Sailer	Welti
Bunn	Haws	Lanning	Morrow	Scalze	Winkler
Carlson	Heidgerken	Lenczewski	Mullery	Sertich	Wollschlager
Clark	Hilstrom	Lesch	Murphy, E.	Simon	Spk. Kelliher
Davnie	Hoppe	Liebling	Nelson	Slawik	
Demmer	Hornstein	Lieder	Nornes	Slocum	
Dill	Hortman	Lillie	Norton	Solberg	
Dittrich	Hosch	Loeffler	Olin	Swails	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Finstad	Kalin	Peppin	Wardlow
Anderson, S.	Dettmer	Garofalo	Kranz	Seifert	Westrom
Beard	Drazkowski	Gottwalt	Marquart	Severson	Zellers
Brod	Eastlund	Gunther	Murphy, M.	Shimanski	
Buesgens	Eken	Hackbarth	Otremba	Simpson	
Cornish	Emmer	Hilty	Paulsen	Smith	
Dean	Erickson	Holberg	Paymar	Ward	

The motion prevailed.

H. F. No. 2907, A bill for an act relating to Yellow Medicine County; providing a process for making certain offices appointive in Yellow Medicine County.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 85 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abeler	Brynaert	Dittrich	Hilstrom	Kahn	Lieder
Anzelc	Bunn	Dominguez	Hoppe	Knuth	Lillie
Atkins	Carlson	Gardner	Hornstein	Koenen	Loeffler
Beard	Clark	Greiling	Hortman	Laine	Madore
Benson	Davnie	Hamilton	Hosch	Lanning	Magnus
Berns	DeLaForest	Hausman	Howes	Lenczewski	Mahoney
Bigham	Demmer	Haws	Huntley	Lesch	Mariani
Brown	Dill	Heidgerken	Johnson	Liebling	Masin

McFarlane	Nelson	Poppe	Simpson	Tillberry	Wollschlager
McNamara	Norton	Ruth	Slawik	Tingelstad	Spk. Kelliher
Moe	Olin	Ruud	Slocum	Tschumper	
Morgan	Ozment	Sailer	Solberg	Urdahl	
Morrow	Pelowski	Scalze	Swails	Wagenius	
Mullery	Peterson, A.	Sertich	Thao	Welti	
Murphy, E.	Peterson, S.	Simon	Thissen	Winkler	

Those who voted in the negative were:

Anderson, B.	Doty	Fritz	Jaros	Paulsen	Walker
Anderson, S.	Drazkowski	Garofalo	Juhnke	Paymar	Ward
Bly	Eastlund	Gottwalt	Kalin	Peppin	Wardlow
Brod	Eken	Gunther	Kranz	Rukavina	Westrom
Buesgens	Emmer	Hackbarth	Marquart	Seifert	Zellers
Cornish	Erickson	Hansen	Murphy, M.	Severson	
Dean	Faust	Hilty	Nornes	Shimanski	
Dettmer	Finstad	Holberg	Otremba	Smith	

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3368, A bill for an act relating to utilities; setting filing deadline for certain reports; regulating customer payment arrangements during cold weather period; regulating payment agreements for certain utility services; amending Minnesota Statutes 2006, section 216B.098, subdivision 3; Minnesota Statutes 2007 Supplement, sections 216B.091; 216B.096, subdivisions 5, 10.

PATRICE DWORAK, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Slocum moved that the House concur in the Senate amendments to H. F. No. 3368 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3368, A bill for an act relating to utilities; setting filing deadline for certain reports; regulating customer payment arrangements during cold weather period; regulating payment agreements for certain utility services; amending Minnesota Statutes 2006, section 216B.098, subdivision 3; Minnesota Statutes 2007 Supplement, sections 216B.091; 216B.096, subdivisions 5, 10.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lesch	Olin	Slocum
Anderson, B.	Dill	Heidgerken	Liebling	Otremba	Smith
Anderson, S.	Dittrich	Hilstrom	Lieder	Ozment	Solberg
Anzelc	Dominguez	Hilty	Lillie	Paulsen	Swails
Atkins	Doty	Holberg	Loeffler	Paymar	Thao
Beard	Drazkowski	Hoppe	Madore	Pelowski	Thissen
Benson	Eastlund	Hornstein	Magnus	Peppin	Tillberry
Berns	Eken	Hortman	Mahoney	Peterson, A.	Tingelstad
Bigham	Emmer	Hosch	Mariani	Peterson, S.	Tschumper
Bly	Erickson	Howes	Marquart	Poppe	Urdahl
Brod	Faust	Huntley	Masin	Rukavina	Wagenius
Brown	Finstad	Jaros	McFarlane	Ruth	Walker
Brynaert	Fritz	Johnson	McNamara	Ruud	Ward
Buesgens	Gardner	Juhnke	Moe	Sailer	Wardlow
Bunn	Garofalo	Kahn	Morgan	Scalze	Welti
Carlson	Gottwalt	Kalin	Morrow	Seifert	Westrom
Clark	Greiling	Knuth	Mullery	Sertich	Winkler
Cornish	Gunther	Koenen	Murphy, E.	Severson	Wollschlager
Davnie	Hackbarth	Kranz	Murphy, M.	Shimanski	Zellers
Dean	Hamilton	Laine	Nelson	Simon	Spk. Kelliher
DeLaForest	Hansen	Lanning	Nornes	Simpson	
Demmer	Hausman	Lenczewski	Norton	Slawik	

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2822.

PATRICE DWORAK, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2822, A bill for an act relating to insurance; providing for penalties and attorney fees for certain insurance claims practices; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time.

Atkins moved that S. F. No. 2822 and H. F. No. 3115, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

Sertich moved that the Consent Calendar be continued. The motion prevailed.

**REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION**

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Wednesday, March 19, 2008:

H. F. Nos. 3357, 3662 and 3115; S. F. No. 2262; H. F. Nos. 3138, 2785, 1499 and 2837; S. F. No. 3084; and H. F. Nos. 3577 and 3831.

Anzenc, Benson, Bly, Brown, Dominguez, Greiling, Morgan, Morrow and Swails were excused between the hours of 1:25 p.m. and 1:45 p.m.

Dittrich and Mariani were excused between the hours of 1:25 p.m. and 1:55 p.m.

Faust and Slawik were excused between the hours of 1:40 p.m. and 1:45 p.m.

CALENDAR FOR THE DAY

H. F. No. 3138 was reported to the House.

Emmer moved to amend H. F. No. 3138, the first engrossment, as follows:

Page 3, after line 31, insert:

"Sec. 3. **HIRING FREEZE.**

An executive branch state agency may not fill a vacant position with a person who is not already a state employee unless the commissioner of finance certifies that filling the position is necessary to allow the agency to perform essential government services. This section does not apply to constitutional offices or the Minnesota State Colleges and Universities."

Page 3, line 33, delete "and 2" and insert "to 3"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 43 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Hoppe	Paulsen	Wardlow
Anderson, S.	Demmer	Garofalo	Lanning	Peppin	Westrom
Beard	Dettmer	Gottwalt	Liebling	Ruth	Zellers
Berns	Dill	Gunther	Magnus	Seifert	
Brod	Drazkowski	Hackbarth	McFarlane	Severson	
Buesgens	Eastlund	Hamilton	Nornes	Shimanski	
Bunn	Emmer	Heidgerken	Norton	Simpson	
Dean	Erickson	Holberg	Otremba	Urdahl	

Those who voted in the negative were:

Atkins	Haws	Kalin	Marquart	Peterson, A.	Thao
Bigham	Hilstrom	Knuth	Masin	Peterson, S.	Thissen
Brynaert	Hilty	Koenen	McNamara	Poppe	Tillberry
Carlson	Hornstein	Kranz	Moe	Rukavina	Tingelstad
Clark	Hortman	Laine	Mullery	Ruud	Tschumper
Cornish	Hosch	Lenczewski	Murphy, E.	Sailer	Wagenius
Doty	Howes	Lesch	Murphy, M.	Scalze	Walker
Eken	Huntley	Lieder	Nelson	Sertich	Ward
Fritz	Jaros	Lillie	Olin	Simon	Welti
Gardner	Johnson	Loeffler	Ozment	Slocum	Winkler
Hansen	Juhnke	Madore	Paymar	Smith	Wollschlager
Hausman	Kahn	Mahoney	Pelowski	Solberg	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend H. F. No. 3138, the first engrossment, as follows:

Page 1, after line 4, insert:

"Section 1. **[43A.175] MERIT COMPENSATION.**

The commissioner may establish a program of providing additional compensation, within the limits of available appropriations, to executive branch employees who perform exceptional work in carrying out the mission of their agency in an efficient manner, and in preventing unnecessary spending of public money. The commissioner is not required to meet and negotiate with an exclusive representative concerning the design and implementation of the program created under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 33 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Emmer	Hamilton	Paulsen	Simpson
Anderson, S.	DeLaForest	Erickson	Holberg	Peppin	Wardlow
Beard	Demmer	Finstad	Hoppe	Ruth	Zellers
Berns	Dettmer	Gottwalt	Magnus	Seifert	
Brod	Drazkowski	Gunther	McFarlane	Severson	
Buesgens	Eastlund	Hackbarth	McNamara	Shimanski	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Loeffler	Ozment	Swails
Atkins	Faust	Jaros	Madore	Paymar	Thao
Benson	Fritz	Johnson	Mahoney	Pelowski	Thissen
Bigham	Gardner	Juhnke	Marquart	Peterson, A.	Tillberry
Bly	Garofalo	Kahn	Masin	Peterson, S.	Tingelstad
Brown	Greiling	Kalin	Moe	Poppe	Tschumper
Brynaert	Hansen	Knuth	Morgan	Rukavina	Urdahl
Bunn	Hausman	Koenen	Morrow	Ruud	Wagenius
Carlson	Haws	Kranz	Mullery	Sailer	Walker
Clark	Heidgerken	Laine	Murphy, E.	Scalze	Ward
Cornish	Hilstrom	Lanning	Murphy, M.	Sertich	Welti
Davnie	Hilty	Lenczewski	Nelson	Simon	Westrom
Dill	Hornstein	Lesch	Nornes	Slawik	Winkler
Dittrich	Hortman	Liebling	Norton	Slocum	Wollschlager
Dominguez	Hosch	Lieder	Olin	Smith	Spk. Kelliher
Doty	Howes	Lillie	Otremba	Solberg	

The motion did not prevail and the amendment was not adopted.

H. F. No. 3138, A bill for an act relating to state government; ratifying state labor contracts; amending Minnesota Statutes 2006, section 85A.02, subdivision 5a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Brod	DeLaForest	Eken	Greiling	Hilty
Anderson, S.	Brown	Demmer	Emmer	Gunther	Holberg
Anzelc	Brynaert	Dettmer	Erickson	Hackbarth	Hoppe
Atkins	Bunn	Dill	Faust	Hamilton	Hornstein
Beard	Carlson	Dittrich	Finstad	Hansen	Hortman
Benson	Clark	Dominguez	Fritz	Hausman	Hosch
Berns	Cornish	Doty	Gardner	Haws	Howes
Bigham	Davnie	Drazkowski	Garofalo	Heidgerken	Huntley
Bly	Dean	Eastlund	Gottwalt	Hilstrom	Jaros

Johnson	Lillie	Mullery	Peterson, A.	Simpson	Walker
Juhnke	Loeffler	Murphy, E.	Peterson, S.	Slawik	Ward
Kahn	Madore	Murphy, M.	Poppe	Slocum	Wardlow
Kalin	Magnus	Nelson	Rukavina	Smith	Welti
Knuth	Mahoney	Nornes	Ruth	Solberg	Westrom
Koenen	Mariani	Norton	Ruud	Swails	Winkler
Kranz	Marquart	Olin	Sailer	Thao	Wollschlager
Laine	Masin	Otremba	Scalze	Thissen	Zellers
Lanning	McFarlane	Ozment	Seifert	Tillberry	Spk. Kelliher
Lenczewski	McNamara	Paulsen	Sertich	Tingelstad	
Lesch	Moe	Paymar	Severson	Tschumper	
Liebling	Morgan	Pelowski	Shimanski	Urdahl	
Lieder	Morrow	Peppin	Simon	Wagenius	

Those who voted in the negative were:

Anderson, B.

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Hilty moved that the name of Murphy, E., be added as an author on H. F. No. 404. The motion prevailed.

Moe moved that the name of Lillie be added as an author on H. F. No. 3107. The motion prevailed.

Loeffler moved that the name of Haws be added as an author on H. F. No. 3257. The motion prevailed.

Hornstein moved that the name of Walker be added as an author on H. F. No. 3780. The motion prevailed.

Hortman moved that the name of Morgan be added as an author on H. F. No. 3807. The motion prevailed.

Kalin moved that the name of Eastlund be added as an author on H. F. No. 3953. The motion prevailed.

Marquart moved that the name of Demmer be added as an author on H. F. No. 4098. The motion prevailed.

Murphy, E., moved that H. F. No. 3333 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Finance. The motion prevailed.

Lieder moved that H. F. No. 3868, now on the General Register, be re-referred to the Committee on Taxes. The motion prevailed.

Mullery moved that H. F. No. 4012 be recalled from the Committee on Commerce and Labor and be re-referred to the Committee on Public Safety and Civil Justice. The motion prevailed.

Norton moved that S. F. No. 1605 be recalled from the Transportation Finance Division and together with H. F. No. 2628, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Atkins moved that S. F. No. 2830 be recalled from the Committee on Commerce and Labor and together with H. F. No. 3481, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, March 25, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, March 25, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

